KA / BG-GPO/2515/WPP-47/2006-2008



ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ಸಂಪುಟ ೧೪೨	ಬೆಂಗಳೂರು, ಗುರುವಾರ, ಮಾರ್ಚ್ ೧, ೨೦೦೭ (ಫಾಲ್ಗುಣ ೧೦, ಶಕ ವರ್ಷ ೧೯೨೮)	ಸಂಚಿಕೆ ೯

ಭಾಗ - ೪

ರಾಜ್ಯದ ವಿಧೇಯಕಗಳ ಮತ್ತು ಅವುಗಳ ಮೇಲೆ ಪರಿಶೀಲನಾ ಸಮಿತಿಯ ವರದಿಗಳು, ರಾಜ್ಯದ ಅಧಿನಿಯಮಗಳು ಮತ್ತು ಅಧ್ಯಾದೇಶಗಳು, ಕೇಂದ್ರದ ಮತ್ತು ರಾಜ್ಯದ ಶಾಸನಗಳ ಮೇರೆಗೆ ರಾಜ್ಯ ಸರ್ಕಾರವು ಹೊರಡಿಸಿದ ಸಾಮಾನ್ಯ ಶಾಸನಬದ್ಧ ನಿಯಮಗಳು ಮತ್ತು ರಾಜ್ಯಾಂಗದ ಮೇರೆಗೆ ರಾಜ್ಯಪಾಲರು ಮಾಡಿದ ನಿಯಮಗಳು, ಹಾಗೂ ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯವು ಮಾಡಿದ ನಿಯಮಗಳು.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 2 ಕೇಶಾಪ್ರ 2007 ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 8ನೇ ಜನವರಿ 2007

2006ನೇ ಸಾಲಿನ ಸೆಪ್ಟೆಂಬರ್ 14 ನೇ ದಿನಾಂಕದ ಭಾರತದ ಸರ್ಕಾರದ ಗೆಜೆಟಿನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ- II ಸೆಕ್ಷನ್ 1ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Cntonment Act, 2006 (Act 41 of 2006) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ

THE CANTONMENT ACT, 2006
(AS PASSED BY THE HOUSES OF PARLIAMENT)

AN
ACT

to consolidate and amend the law relating to the administration of cantonments with a view to impart greater democratisation, improvement of their financial base to make provisions for developmental activities and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:

CHAPTER I
PRELIMINARY

1. Short title, extent and commencement: (1) This Act may be called the Cantonments Act, 2006

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act and any and reference in any provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

2. Definitions : In this Act unless there is anything repugnat in the subject or context,-

(a) "Assistant Health Officer" means the medical officer appointed by the General Officer Commanding in Chief the Command to be the Assistant Health Officer for a cantonment;

(b) "Board" means a Cantonment Board constituted under this Act;

(c) "boundary wall" means a wall which abuts on a street and which does not exceed two and a half metres in height;

(d) "building" means a house, outhouse, stable, latrine, shed, hut or other roofed structure whether of masonry, brick, wood, mud, metal or other material, and any part thereof, and includes a well and a wall other than a boundary wall but does not include a tent or other portable and temporary shelter;

(e) "casual election" means an election held to fill a casual vacancy;

(f) "casual vacancy" means a vacancy occurring otherwise than by efflux of time in the office of an elected member of a Board and includes a vacancy in such office, arising under sub-section (2) of section 16;

(g) "Chief Executive Officer" means the person appointed under this Act to be the Chief Executive Officer of a cantonment;

(h) "civil area" means an area declared to be a civil area by the Central Government under sub-section (1) of section 46;

(i) "civil area committee" means a committee appointed under section 47;

(j) "Command" means one of the Commands into which India is for military purposes for the time being divided, and includes any area which the Central Government may, by notification in the Official Gazette, declare to be a Command for all or any of the purposes of this Act;

(k) "dairy" includes any farm, cattle-shed, milk-store milk-shop or other place from which milk is supplied or in which milk is kept for purposes of sale or is manufactured for the sale into butter, ghee, cheese or curds, and in relation to a dairyman who does not occupy any premises for the sale of milk , includes any place in which he keeps the vessels used by him for the storage or sale of milk;

(l) "dairyman" includes the keeper of a cow, buffalo, goat, ass or other animal the milk of which is offered or is intended to be offered for sale for human consumption, and any supplier of milk and any occupier of dairy;

(m) " dangerous disease" means cholera, leprosy, enteric fever, smallpox, tuberculossis, diphtheria, plague, influnza, venereal disease, hepatitis, Acquired Immune Deficiency Syndrome and any other epidemic, endemic, infectious or communicable disease which the Board may by public notice, declare to be, an infectious, contagious or communicable disease for the purposes of this Act;

(n) "Defence Eststes Circle" means one of the circles into which India is, for the purposes of defence estates management, for the time being divided, and includes any area which the Central Government may, by notification in the Official Gazette, declare to be a Defence Estates Circle for all or any of the purposes of this Act;

(o) "Defence Estates Officer" means the officer appointed by the Central Government to perform the duties of the Defence Estates Officer for the purpose of this Act and the rules made thereunder;

(p) "Director General" means an officer of the Indian Defence Estates Service (IDES) appointed by the Central Government to perform the duties of the Director General, Defence Estates for the purpose of this Act and includes Senior Additional Director General and Additional Director General;

(q) "Director" means the officer appointed by the Central Government to perform the duties of the Director, Defence Estates, the Command, for the purposes of this Act and the rules made thereunder;

(r) "entitled consumer" means a person in a cantonment who is paid from the Defence Service Estimates and is authorised by general or special order of the Central Government to receive a supply of water for domestic purposes from the Military Engineer Services or the Public Workes Department on such terms and conditions as may be specified in the order;

(s) "Executive Engineer" means the officer of the Military Engineer Services of that grade, having charge of the military works in a cantonment or where more than one such officer has charge of the military works in a cantonment such one of those officers as the Officer Commanding the station may

designate in this behalf, and includes the officer of whatever grade in immediate executive engineering charge of a cantonment;

(t) "factory" means a factory as defined in clause (m) of section 2 of the Factories Act, 1948 (63 of 1948);

(u) "Forces" means the regular Army, Navy and Air Force or any part of any one or more of them;

(v) "General Officer Commanding-in-Chief, the Command" (GOC-in-C, Command) means the Officer Commanding any of the Commands;

(w) "General Officer Commanding the Area" means the Officer Commanding any one of the areas into which India is for military purposes for the time being divided, or any sub-area which does not form part of any such area, or any area which the Central Government may, by notification in the Official Gazette, declare to be an area for all or any of the purposes of this Act;

(x) "Group Housing" means a group of houses for dwelling purposes and may comprise all or any of the following: namely, (a) a dwelling unit, (b) open spaces intended for recreation and ventilation, (c) roads paths, sewers, drains, water supply and ancillary installations, street lighting and other amenities, (d) convenient shopping place, schools, community hall or other amenities for common use;

(y) "Government" in relation to this Act means the Central Government;

(z) "Health Officer" means the senior executive medical officer in military employ on duty in a cantonment;

(za) "hospital" includes family welfare centre, child welfare centre, maternity centre and health centre;

(zb) "hut" means any building, no material portion of which above the plinth level is constructed of masonry or of squared timber framing or of iron framing;

(zc) "inhabitant" in relation to a cantonment, or local area means any person ordinarily residing or carrying on business or owning or occupying immovable property therin, or declared as such by the Chief Executive Officer and in case of a dispute, as decided by the District Magistrate;

(zd) "intoxicating drug" includes a narcotic drug and psychotropic substance as defined in the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985) as modified from time to time;

(ze) "market" includes any place where person assemble for the sale of, or for the purposes of exposing for sales, meat, fish, fruits, vegetables, animals intended for human food or any other articles of human food whatsoever, with or without the consent of the owner of such place notwithstanding that there may be no common regulation for the concourse of buyers and sellers and whether or not any control is exerised over the business of, or the persons frequenting, the market by the owner of the place or by any other person, but shall not include a single shop or group of shops not being more than six in number and shops within unit lines;

(zf) "military" includes Air Force, Navy and other defence related establishments;

(zg) "military officer" means a person who, being an officer within the meaning of the Army Act, 1950,(46 of 1950) the Navy Act, 1957 (62 of 1957) or the Air Force Act, 1950 (45 of 1950) is commissioned, gazetted or in pay as an officer doing army, naval or air force duty with the army, navy or air force, or is an officer doing such duty in any arm, branch or part of any of those forces;

(zh) "nuisance" includes any act, omission, place, animal or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or disturbance to rest or sleep, or which is or may be dangerous to life or injurious to health or property;

(zi) "occupier" includes an owner in occupation of, or otherwise using his own land or building;

(zj) "Officer Commanding the station or Station Commnder" means the military officer for the time being in command of the forces in a cantonment and if such officer is likely to be absent for more than thirty days, the General Officer Commanding-in Chief, the Command may nominate, by an order, an other mulitary officer as "Officer Commanding the station or Station Commander";

(zk) "ordinary election" means an election held to fill a vacancy in the office of an elected member of a Board arising by efflux of time;

(zl) "owner" includes any person who is receiving or is entitled to receive the rent of any building or land whether on his own account or on behalf of himself and others or an agent or trustee, or who would so receive the rent or be entitled to receive it if the building or land were let to a tenant;

(zm) "party wall" means a wall forming part of a building and used or constructed to be used for the support or separation of adjoining buildings belonging to different owners, or constructed or adapted to be occupied by different persons;

(zn) "Principal Director" means the Officers appointed by the Central Government to perform the duties of the Principal Director, Defence Estates, the Command for the purpose of this Act and the rules made thereunder;

(zo) "private market" means a market which is not maintained by a Board and which is licensed by a Board under the provisions of this Act;

(zp) "private slaughter-house" means a slaughter-house which is not maintained by a Board and which is licensed by a Board under the provisions of this Act;

(zq) "public market" means a market maintained by a Board;

(zr) "public place" means any place which is open to the use and enjoyment of the public, whether it is actually used or enjoyed by the public or not;

(zs) "public slaughter-house" means a slaughter-house maintained by a Board;

(zt) "resident" , in relation to a cantonment, means a person who maintains therein a house or a portion of a house which is at all times available for occupation by himself or his family even though he may himself reside elsewhere, provided that he has not abandoned all intention of again occupying such house either by himself or his family;

(zu) “regulation” means a regulation made by a Cantonment Board under this Act by notification in the Official Gazette;

(zv) “rule” means a rule made by the Central Government under this Act by notification in the Official Gazette;

(zw) “shed” means a slight or temporary structure for shade or shelter;

(zx) “slaughter-house” means any place ordinarily used for the slaughter of animals for the purpose of selling the flesh thereof for human consumption;

(zy) “soldier” means any person who is a soldier or sailor or an airman subject to the Army Act,1950(46 of 1950) the Navy Act,1957(62 of 1957) or the Air Force Act,1950(45 of 1950) as the case may be, and who is not a military officer;

(zz) “spirituous liquor” means any fermented liquor, any wine, or any alcoholic liquid obtained by distillation or the sap of any kind of palm tree, and includes any other liquid containing alcohol which the Central Government may, by notification in the Official Gazette, declare to be a spirituous liquor for the purpose of this Act;

(zza) “street” includes any way, road, lane,square,court,alley or passage in a cantonment, whether a thoroughfare or not and whether built upon or not, over which the public have a right of way and also the road-way or foot-way over any bridge or cause way;

(zzb) “sub-area” means one of the sub-areas into which India is for military purpose for the time being divided and includes, for all or any of the purposes of this Act, any territory which the Central Government may, by notification in the Official Gazette, declare to be Sub-area for such purpose;

(zzc) “trade or commercial premises” means any premises used or intended to be used for carrying on any trade, commerce or industry;

(zzd) “Vehicle” means a wheeled conveyance of any description which is capable of being used on a street, and includes a motor-car, motor lorry, motor omnibus cart, locomotive, tram-car, hand-cart, truck, motor-cycle, bicycle, tricycle and rickshaw;

(zze) “water-works” includes all lakes, tanks, stream, cisterns, springs, pumps, wells, reservoirs, aqueducts, water-truks, sluice mains, pipes, culverts, hydrants, stand-pipes, and conduits and all machinery, lands, buildings, bridges and things used for, or intended for the purpose of supplying water to a cantonment; and

(zzf) “Year” means the year commencing on the first day of April.

CHAPTER II

DEFINITION AND DELIMITATION OF CANTONMENT

3. Definition of Cantonments:(1) The Central Government may, by notification in the Official Gazette, declare any place or place along with boundaries in which any part of the Force is quartered or which, being in the vicinity of any such place or places, is or are required for the service of such forces to be cantonment for the purpose of this Act and of all other enactments for the time being in force, and may, by a like notification, declare that any cantonment shell cease to be a cantonment.

(2) The Central Government may, by a like notification, define the limits of any cantonment for the aforesaid purposes.

(3) When any place is declared a cantonment under sub-section (1), the Central Government shall constitute a Board within a period of one year in accordance with the provisions of this Act:

Provided that the Central Government may, for the reasons to be recorded in writing, extend the said period of one year for a further period of six months at a time:

Provided further that the Central Government may, until a Board is constituted, by order make necessary provisions for the efficient administration of the cantonment.

(4) The Central Government may, by notification in the Official Gazette, directe that in any place declare a cantonment under sub-section (1) the provisions of any enactment relating to local self-Government other than this Act shall have effect only to such extent or subject to such modification, or that any authority constituted under any such enactment shall exercise authority only to such extent, as may be specified in the notification.

4. Alteration of limits of cantonments: (1) The Central Government may after consulting the State Government and the Board concerned, by notification in the Official Gazette, declares its intention to include within the cantonment any local area situated in the vicinity there or to exclude from the contonment any local area comprised therein.

(2) Any inhabitant of a cantonment or local area in respect of which notification has been published under sub-section (1), may within eight weeks from the date of notification, submit in writing to the Central Government through the General Officer Commanding-in-chief, the Command, an objection to the notification, and the Central Government shall take such objection into consideration.

(3) On the expiry of eight weeks from the date of the notification, the Central Government may after considering the objections, if any, which have been submitted under sub-section (2), by notification in the Official Gazette, include the local area in respect of which the notification was published under sub-section (1), or any part thereof, in the cantonment or, as the case may be, exclude such area or any part thereof from the cantonment.

5. The effect of including area in cantonment: When, by a notification under section 4, any local area is include in a cantonment, such area shall thereupon become subject to this Act and all other enactments for the time being in force throughout the cantonment and to all notification, rules, regulations, bye laws, orders and directions issued or made there under.

6. Disposal of cantonment fund and cantonment development fund when area ceases to be a cantonment: (1) When, by a notification under section 3, any cantonment ceases to be a cantonment and the local area comprised therein is immediately placed under the control of a local authority, the balance of the cantonment fund or the cantonment development fund and other property vesting in the Board shall vest in such local authority, and the liabilities of the Board shall be transferred to such local authority.

(2) When, in like manner, any cantonment ceases to be a cantonment and the local area comprised therein not a immediately place under the control of a local authority, the balance of the cantonment fund or the cantonment development fund and other property vesting in the Board shell vest in the Central Government, and the liabilities of the Board shell be transferred to that Government.

7. Disposal of cantonment fund and cantonment development fund when area ceases to be included in a cantonment: (1) When, by a notification under section 4, any local area forming part of a cantonment ceases to be under the control of a particular Board and is immediately place under the control of some other local authority, such portion of cantonment fund or the cantonment development

fund other property vesting in the Board and such portion of liabilities of the Board, as the Central Government may, by general or special order, direct, shall be transferred to that other local authority.

(2) When, in like manner, any local area forming part of a cantonment ceases to be under the control of a particular Board and is not immediately placed under the control of some other local authority; such portion of the cantonment fund or the cantonment development fund and other property vesting in the Board shall vest in the cantral Government and such portion of the liabilities of the Board, shall be transferred to that Government as the Central Government may, by general or special order, direct.

8. Application of funds and property transferred under sections 6 and 7: Any cantonment fund or the cantonment development fund or portion thereof or other property of a board vesting in the Central Government under the provision of section 6 or section7 shall be applied in the first place to satisfy any liabilities of the Board transferred under such provision to that Government, and in the second place for the benefit of the inhabitants of the local area which has ceased to be a cantonment or, as the case may be, part of a cantonment.

9. Limitation of operation of Act: The Central Government may, by notification in the Official Gazette exclude, from the operation of any part of this Act the whole or any part of a cantonment, or direct that any provision of this Act shall, in the case of any cantonment:-

(a) situated with in the limits of a metropolitan area; or

(b) in which the Board is superseded under section 60, apply with such modification as may be so specified.

CHAPTER III

CANTONMENT BOARDS

Boards

10. Cantonment Board: (1) For every cantonment there shall be a cantonment Board.

(2) Every Board shall be deemed to be a municipality under clause (e) of article 243P of the Constitution for the purposes of –

(a) receiving grants and allocation; or

(b) Implementing the Central Government schemes of social welfare, public health, hygiene, safety, water supply, sanitation, urban renewal and education.

11. Incorporation of Cantonment Board: Every Board shall, by the name of the place by reference to which the cantonment is known, be a body corporate having perpetual succession and a common seal with power to acquire and hold property both movable and immovable and to contact and shall by the said name, sure and be sued.

12. Constitution of Cantonment Boards: (1) Cantonments shall be divided into four categories, namely:-

(i) Category I Cantonments, in which the population exceeds fifty thousands;

(ii)Category II Cantonments, in which the population exceeds ten thousands, but does not exceed fifty thousands;

(iii) Category III Cantonments, in which the population exceeds two thousands five hundred, but does not exceed ten thousand; and.

(iv) Category IV Cantonments, in which the population does not exceed two thousand five hundred.

(2) For the purposes of sub-section (1), the population shall be calculated in accordance with the latest official census, or, if the Central Government, by general or special order, so directs, in accordance with a special census taken for the purpose.

(3) In Category I Cantonments, the Board shall consist of the following members, namely:--

(a) the Officer Commanding the station as ex-officio or, if the Central Government so directs in respect of any cantonment, such other military officer as may be nominated in his place by the General Officer Commanding-in-Chief, the Command;

(b) the District Magistrate or an Executive Magistrate not below the rank of Additional District Magistrate nominated by him:

(c) the Chief Executive Officer;

(d) the Health Officer ex officio;

(e) the Executive Engineer ex officio;

(f) three military officers nominated by name by the Officer Commanding the station by order in writing;

(g) eight members elected under this Act.

(4) in Category II Cantonments, the Board shall consist of the following members, namely:-

(a) the Officer Commanding the station as ex officio or , if the Central Government so directs in respect of any cantonment, such other military officer as may be nominated in his place by the General Officer Commanding-in-chief, the Command;

(b) the District Magistrate or an Executive Magistrate not below the rank of Additional District Magistrate nominated by him;

(c) the Chief Executive officer;

(d) the Health Officer ex officio;

(e) the executive Engineer ex officio;

(f) two military officers nominated by name by the officer Commanding the station by order in writing;

(g) seven members elected under this Act.

(5) In Category III Cantonment the Board shall consist of the following members, namely:-

(a) the officer Commanding the station as ex officio or, if the Central the Government so directs in respect of any cantonment, such other military officer, as may be nominated in his place by the General Officer Commanding-in-chief, the command;

(b) the District Magistrate or an Executive magistrate nominated by him;

(c) the Chief Executive Officer;

(d) the Health Officer ex officio;

(e) the executive Engineer ex officio;

(f) one military officers nominated by name the officer commanding the station by order in writing;

(g) Six members elected under this Act.

(6) In Category IV Cantonments, the Board shall consist of the following members, namely:-

(a) the officer Commanding the station ex officio or, if the Central Government so directs in respect of any cantonment, such other military officer as may be nominated in his place by the General Officer Commanding-in-chief, the command;

(b) the Chief Executive Officer;

(c) two members elected under this Act.

(7) The Officer Commanding the station may, if he thinks fit, with the sanction of the General Officer Commanding-in-chief, the Command, nominate in place of any military officer whom he is empowered to nominate under clause (f) of sub-section (3), clause (f) of sub-section (4) or clause (f) of sub-section (5), any person, whether in the service of the Government or not, who is ordinarily resident in the cantonment or in the vicinity thereof.

(8) Every election or nomination of a member of a Board and every vacancy in the elected membership thereof shall be notified by the Central Government in the official Gazette;

(9) The Member of Parliament and Member of Legislative Assembly representing constituencies which comprise wholly or partly the cantonment area, shall be special invitees for the meetings of the Board but without a right to vote.

13. Power to vary constitution of Boards in special circumstances:- (1) Notwithstanding anything contained in section 12, if the Central Government is satisfied,--

(a) that by reason of military operation, it is necessary, or

(b) that, for the admission of the cantonment, it is desirable, to vary the constitution of the Board in any cantonment under this section, the Central Government may, by notification in the Official Gazette, make a declaration to that effect.

(2) Upon the making of a declaration under sub-section (1), the Board in the cantonment shall consist of the following members, namely:-

(a) the Officer Commanding the station,

(b) the Chief Executive Officer, and

(c) one members, not being a person in the service of the Government, nominated by the Central Government in consultation with the General Officer Commanding-in-chief, the Command.

(3) The nominated of a member of a Board constituted under this section, and the vacancy in the membership thereof shall be notified by the Central Government in the Official Gazette.

(4) The term of office of a Board constituted by a declaration under sub-section (1) shall not ordinarily extend beyond one year.

Provided that the Central Government may from time to time, by a like declaration, extend the term of office of such a Board by any period not exceeding one year at a time:

Provided also that the Central Government shall forthwith direct that the term of office of such a Board shall cease if, in the opinion of the Central Government, the reasons stated in the declaration where by such Board was constituted or its term of office was extended, have ceased to exist.

(5) When the term of office of a Board constituted under this section has expired or ceased, the Board shall be replaced by the former Board which, but for the declaration under sub-section,(1) or sub-section (4), would have continued to hold office, or if the term of office of such former Board has expired, by a Board constituted under section 12.

14. Term of office of members: (1) save as otherwise provided in this section, the term of office of a member of a Board shall be five years and shall commence—

(a) in case of an elected member, from the date of notification of his election under sub-section (8) of section 12, or from the date on which the vacancy has occurred to which he is elected, whichever is later; and

(b) incase of a nominated member, from the date of nomination under clause(b) and (f) of sub-section (3), clauses (b) and (f) of sub-section (4) and clauses (b)and (f) of sub-section (5) of section12, or the date of vacancy under clause (b) of sub-section (1) of section 18, whichever is later, and the member so nominated shall be able to take part in the proceeding of the Board:

Provided that the Central Government may, when satisfied that it is necessary in order to avoid administrative difficulty, extend the term of office of all the elected members of a Board by such period not exceeding one year, as it thinks fit:

Provided further that a member, whose term of office has been so extended, shall cease to hold office on the date of the notification of the election of his successor under sub-section (8) of section 12.

(2) The term of office of an officio member of a Board shall continue so long as he holds the office by virtue of which he is such a member.

(3) The term of office of a member elected to fill a casual vacancy shall commence from the date of the notification of his election, and shall continue so long only as the member in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

(4) An outgoing member shall, unless the Central Government otherwise directs, continue in office until the election of his successor is notified under sub-section (8) of section 12 or the nomination of his successor, as the case may be.

(5) Any out going member may, if qualified, be re-elected or re-nominated.

15. Filling of vacancies: (1) Vacancies arising by efflux of time in the office of an elected member of a Board shall be filled by an ordinary election to be held on such date as the Central Government may, by notification in the Official Gazette, direct.

(2) A casual vacancy shall be filled by a casual election the date of which shall be fixed by the Central Government by notification in the Official Gazette, and shall be, as soon as may be after the occurrence of the vacancy:

Provided that no casual election shall be held to fill a vacancy occurring within six months of any date on which the vacancy will occur by efflux of time, but such vacancy shall be filled at the next ordinary election.

16. Vacancies in special cases: (1) if for any cause at an election no member is elected, or if the elected member is unwilling to serve on the Board, fresh election shall be held to fill up such vacancy.

(2) If a person is elected to more than one seat in a Board, then, unless he resigns all but one of the seats within fourteen days from the date on which he is declared elected, or where the dates on which he is declared elected are different in pespect of differant seats, from the last of such dates, all the seats shall be come vacant.

(3) Vacancies arising in any of the following cases shall be filled by nominated by the Central Government after consultation with the General Officer Commanding-in-chief, the Command, namely:--

(a) where at a casual election no member is elected;

(b) Where at an election held when a Board is constituted for the first time no member or an insufficient number of members is elected or an elected member is unwilling to serve on the Board.

(4) For the purposes of sub-section (2)of section 15, a member nominated in pursuance of sub-section (3)of this section shall where there has been a division of the cantonment into wards, be deemed to have been elected by such ward as the Central Government may at the time of making the nomination or at any time thereafter declare.

(5) The term of office of a member nominated under this section shall expire at the time at which it would have expired if he had been elected at the casual election.

17. Oath or affirmation: Every person who is by virtue of his office ,or who is nominated or elected to be a member of the Board shall,before taking his seat make and subscribe at a meeting of the Board an other or affirmation of his allegiance to the Constitution of India in the following from ,namely:-

become
―――――――
"I, A.B., having been elected a member of this Board, do
―――――――
been nominated

swear in the name of God
――――――――――― that I will bear true faith and allegiance to the Constitution solemnly affirm
of India as by law established and that I will faithfully discharge the duty upon which I am about to enter".

18. Resignation: (1) (a) any elected member of a Board who wishes to resign his office may give his resignation in writing to the President of the Board who shall forward it for acceptance and notification to the Central Government under intimation to the General Officer Commanding-in-chief, the Command.

(b) Any nominated member of a Board who wishes to resign his office may forward his resignation in writing through the president of the Board to the General Officer Commanding-in-Chief, the Command for orders.

2) if the Central Government or the General Officer Commanding-in-Chief, the Command, as the case may be accepts the resignation, such acceptance shall be communicated to the Board and thereupon the seat of the member resigning shall become vacant.

3) Notwithstanding anything contained in sub-section (2), the resignation of any person elected to more than one seat in a Board from all but one of the seats in pursuance of sub-section (2) of section 16 shall take effect when such resignation is received by the President of the Board.

19. President and Vice President : (1) The Officer commanding the station if a member of the Board shall be the President of the Board:

Provided that when a military officer holding the Office of the President ceases to be the Officer commanding the station merely by reason of a temporary absence from the station for a period not exceeding thirty consecutive days, he shall not vacate the office of President.

(2) Where the Officer commanding the station is not a member of the Board, the military officer nominated in his place under clause (a) of sub-section (3), sub-section (4), sub-section(5) or sub-section (6) of section 12 shall be the President of the Board.

(3) In every Board except in case of a Board falling under Category IV Cantonment there shall be a Vice-President elected by the elected members only from amongst them in accordance with such procedure as the Central Government may, by rule prescribe.

4) In case of a Board falling under category IV Cantonment, the Vice-President shall be elected by draw of lot under the supervision of the president of the Board in such manner as he may decide.

20.Term of office of Vice-President: (1) The term of office of a Vice-president shall be five years or his residual term of office as a member, whichever is less.

(2) A Vice-President may resign his office by notice in writing to the President and, on the resignation being accepted by the Board, the office shall become vacant.

(3) A Vice-President may be removed from his office, at a special meeting convened for the purpose on a requisition for the same by not less than one-half of the elected members of the Board holding office, by a resolution passed by a majority of not less than two-thirds of the total number of elected members then holding office and attending and no member, other than an elected members, shall have the right to vote on the resolution:

Provided that in case of category IV cantonments, the Vice-president may be removed if a resolution to this effect is passed by the Board and the other elected member shall become the Vice-President.

21. Duties of President: (1) it shall be the duty of the President of every Board-

(a) unless prevented by reasonable cause, to convene and preside at all meetings of the board and to regulate the conduct of business thereat;

(b) to control, direct and supervise the financial and executive administration of the Board;

(c) to perform all the duties and exercise all the powers specifically imposed for conferred on the President by or under this Act; and

(d) subject to any restrictions, limitations and conditions imposed by this Act, to exercise executive power for the purpose of carrying out the provisions of this Act and to be directly responsible for the fulfillment of the purposes of this Act;

(e) in case of gross misconduct during the course of meeting, to suspend a member other than a Chief Executive Officer from attending the unconcluded part of the meeting of the Board.

(2) The President may, by order in writing, empower the Vice-president to exercise all or any of the powers and duties referred to in clause (b) of sub-section (1) other than any power, duty or function which he is by resolution of the Board expressly forbidden to delegate.

(3) The exercise or discharge of any powers, duties or functions delegated by the President under this section shall be subject to such restrictions, limitations and conditions, if any, as may be laid down by the President and to the control of, and to revision by, the President.

(4) Every order made under sub-section (2) shall forthwith be communicated to the Board and to the General Officer Commanding-in-Chief, the Command.

22. Duties of Vice-President: (1) It shall be the duty of the Vice-President of every Board,-

(a) in the absence of the President and unless prevented by reasonable cause, to preside at meetings of the Board and when so presiding to exercise the authority of the President under sub-section (1) of section 21;

(b) during the incapacity or temporary absence of the President or pending his appointment or succession to perform any other duty and exercise any other power of the president; and

(c) to exercise any power and perform any duty of the President which may be delegated to him under sub-section (2) of section 21.

23. Allowances to Vice-President and members: The Vice-President and each elected member of the Board shall be entitled to receive such allowances, as the Central Government may, by rule, prescribe.

24. Appointment of Chief Executive Officer:(1) For every cantonment there shall be a Chief Executive Officer appointed by the Central Government or by such person as the Central Government may authorize in this behalf:

Provided that, in the event of temporary absence of the Chief Executive Officer, not exceeding ninety days, the Principal Director shall designate an officer under his jurisdiction to perform the duties of the Chief Executive officer during such period.

(2) Not less than one-half of the salary of the Chief Executive Officer, shall be paid by the central Government and the balance from the cantonment fund.

(3) The chief Executive Officer shall be the Member-Secretary of the board and of every Committee of the board.

25. Duties of Chief Executive Officer: (1) Subject to the provisions of clause (c) and clause (d) of sub-section (1) of section 21, the Chief Executive Officer shall-

(a) exercise all the powers and perform all the duties conferred or imposed upon him by or under this Act or any other law for the time being in force;

(b)subject to any restriction, limitation and conditions imposed by this Act, to exercise executive power to ensure that the administration of the Board is carried out in accordance with provision of this Act;

(c) prescribe the duties of, and exercise supervision and control over the acts and proceeding of all, officers and employees of the Board;

(d)be responsible for the custody of all records of the Board;

(e)arrange for the performance of such duties relative to the proceeding of the Board or of any Committee of the Board or of any Committee of Arbitration constituted under this Act, as those bodies may respectively impose on him;and

(f)comply with every requisition of the Board on any matter pertaining to the administration of the cantonment.

26. Special power of Chief Executive Officer: (1) The Chief Executive Officer may direct the execution of any work or the doing of any act, in public interest and in accordance with the provision of this Act and the rules made there under, and incur such expenditure as may be necessary in executing such work or doing such act, as the case may be, subject to financial limits which the Board may by resolution determine subject to general guidelines issued by the Director General, Defense Estates with the approval of the Central Government.

(2) The Chief Executive Officer may, in case of emergency, direct the execution of any work or the doing of any act which would ordinarily require the sanction of the Board and immediate execution or doing of which is in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing such work or doing such act shall be paid from the cantonment fund.

Provided that—

(a)he shall not act under this section without the previous sanction of the President or, in his absence, of the Vice-President;

(b)he shall not act under this section in contravention of any order of the Board prohibiting the execution of any particular work or the doing of any particular act; and

(c)he shall report forthwith the action taken under this section and the reasons therefore to the Board.

Elections

27. Electoral rolls: (1) the Board or, where a Board is not constituted in any place declared by notification under sub-section (1) of section 3 to be a cantonment, the Officer Commanding the station, shall prepare and publish an electoral roll showing the names of persons qualified to vote at election to the Board and such roll shall be prepared, revised and finally published in such manner and on such date in each year as the Central Government may by rule prescribe.

(2) Every person whose name appears in the final electoral roll shall, so long as the roll remains in force, be entitled to vote at an election to the Board, and no other person shall be so entitled.

(3) When a cantonment has been divided into wards, the electoral roll shall be divided into separate lists for each ward.

(4) If a new electoral roll is not published in any year on the date prescribed, the Central Government may direct that the old electoral roll shall continue in operation until the new roll is published.

28. Qualification of electors: (1) Every person who, on such date as may be fixed by the Central Government in this behalf by notification in the Official Gazette hereinafter in this section referred to as "the qualifying date", is not less than eighteen years of age and who has resided in the cantonment for a period of not less than six months immediately proceeding the qualifying date shall, if not otherwise disqualified, be entitled to be enrolled as an eletor.

Explanation.—when any place is declared a cantonment for the first time, or when any local area is first included in a cantonment, residence in the place or area comprising the cantonment on the aforesaid date shall be deemed to residence in the cantonment for the purpose of this sub-section.

(2) A person notwithstanding that he is otherwise qualified, shall not be entitled to be enrolled as an elector if he on the qualifying date—

(i) is not a citizen of India, or

(ii) has been adjudged by a competent court to be of unsound mind, or

(ii) is an undischarged insolvent, or

(iv) has been sentenced by a Criminal Court to imprisonment for a term exceeding two years for an offence which is declared by the central Government to be such as to unfit him to become an elector or has been sentenced by a Criminal Court for any offence under Chapter IXA of the Indian Penal code:

Provided that any disqualification incurred by a person under clause (iv) shall terminate on the lapse of three years from the expiry of the sentence or order.

(3) If any person having been enrolled as an elector in any electoral roll subsequently becomes subject to any of the disqualification referred to in sub-section (2), his name shall be removed from the electoral roll unless, in the case referred to in clause (iv), the disqualification is removed by the Central Government.

29. Qualification for being a member of the Board.(1) Save as hereinafter provided, every person, not being a person holding any office of profit under the Government, whose name is entered on the electoral roll of a cantonment shall be qualified for election as a member of the Board in that cantonment.

(2) no person shall be qualified for nomination as a member of a Board if he is subject to any of the disqualifications specified in sub-section (2) of section 28.

(3) No person shall be qualified for being chosen whether by election or nomination as, and for being a member of a Board, if he---

(a) has been dismissed from the service of the government and is debarred from re-employment therein, or is a dismissed employee of a Board;

(b) is debarred from practising his profession or calling by order of any competent authority;

(c) holds any place of profit in the gift or at the disposal of th e Board, or is a police officer, or is the servant or employer of a member of the Board; or

(d) is interested in a subsisting contract made with, or in work being done for, the Board except as a shareholder other than a direct or in an incorporated company; or

(e) is an officer or employee, permanent or temporary, of a Board or of any other local authority; or

(f) is a member of any other local authority; or

(g) has, by the authority referred to in clause (f) of section 31, been found to have been guilty of any of the corrupt practices specified in sub-section (2) of section 30 unless a period of five years has elapsed since the date of the decision of the authority; or

(h) fails to pay any arrears of any kind due by him otherwise than as an agent, receiver, trustee or an executor to the Board within thirty days after the notice in this behalf has been served upon him; or

(i) is disqualified under any other provision of this Act:

Provided that a person shall not be deemed to have any interest in such a contract or work as is referred to in clause (d) by reason only of his having a share or interest in—

(a) nay lease or sale or purchase of immovable property or any agreement for the same; or

(b) any agreement for the loan of money or any security for the payment of money only; or

(c) any newspaper in which any advertisement relating to the affairs of the Board is inserted; or

(d) the sale to the Board of any articles in which he regularly trades or the purchase from the Board of any articles, to a value in either case not exceeding twenty-five thousand rupees in the aggregate in any year during the period of the contract or work.

30. Interpretation: (1) For the purposes of section 27, 28 and 29, 'person' means an individual human being.

(2) The following shall be deemed to be corrupt practices within the meaning of clause (g) of sub-section (3) of section 29; namely:--

(1) "bribery" that is to say—

(A) any gift, offer or promise by a candidate or his agent or by any other person with the consent of a candidate or his agent of any gratification to any person whomsoever, with the object, directly or indirectly of inducing--

(a) a person to stand or not to stand as or to withdraw or not to withdraw from being, a candidate at an election; or

(b) an elector to vote or refrain from voting at an election, or as a reward to—

(i) a person for having so stood or not stood, or for having withdrawn or not having withdrawn his candidature; or

(ii) an elector for having voted or refrained from voting;

(B) the receipt of, or agreement to receive, any gratification, whether as a motive or a reward—

(a) by a person for standing or not standing as, or for withdrawing or not withdrawing, from being a candidate; or

(b) by any person whomsoever for himself or any other person for voting or refraining from voting, or inducing or attempting to induce any elector to vote or refrain from voting, or any candidate to withdrawn or not to withdrawn his candidate.

Explanation.—For the purposes of this clause, the term "gratification" is not restricted to pecuniary gratifications or gratifications estimable in money and it includes all forms of entertainment and all froms of emplyment for reword but it does not include the payment of any expenses bona fide incurred at, or for the purpose of, any election.

(2) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent; or of any other person with the consent of the candidate or his agent with the free exercise of any electoral right:

Provide that—

(a) without prejudice to the generality of the provision of this clause any such person as is referred to there in who—

(i) threatens any candidate or any elector, or any person in whom a candidate or an elector is interested, with injury of any kind including social ostracism and ex-communication or expulsion from any case or community; or

(ii) induces or attempts to induce a candidate or an elector to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause;

(b) a declaration of public policy, or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral rights shall not be deemed to interfere within the meaning of this clause.

(3) The appeal by a candidate or his agent or by any other person with the consent of a candidate or his agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to religious symbols or the use of, or appeal to national symbols, such as national flag or the national emblem for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the lection of any candidate.

(4) The promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community or language, by a candidate or his agent or any other person with the consent of a candidate or his agent for the furtherance of the prospects of the election of that candidate or for prejudicially affeetingle the lection of any candidate.

(5) The publication by a candidate or his agent or by any other person, with the consent of a candidate or his agent, of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature, or withdrawal of any candidate, being a statement reasonably calculated to prejudice the prospects that candidate's election.

(6) The hiring or procuring, whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person with the consent of a candidate or his agent or the use of such vehicle or vessel for the free conveyance of any elector other than the candidate himself, the members of his family or his agent to or from any polling station or place fixed for the poll:

Provided that the hiring of a vehicle or vessel by any elector or by several electors at their joint costs for the purpose of conveying him or them to and from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicl or vessel not propelled by mechanical power:

Provided further that the use of any public transport vehicle or vessel or any tramcar or railway carriage by any elector at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.

Explanation.—In this clause, the expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(7)the obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or, by any other person with the consent of a candidate or his agent, any assistance other than the giving of vote for the furtherance of the prospects of that candidate's election, from any person in the service of the Government or the Board:

Provided that where any person, in the service of the Government or the Board in the discharge or purported discharged of his official duty, makes any arrangements or provides any facilities or does any other act or thing, for, to, or in relation to, any candidate or his agent or any other person acting with the consent of the candidate or his agent whether by reason of the office held by the candidate or for any other reason, such arrangements, facilities or act or thing shall not be deemed to be assistance for the furtherance of the prospects of that candidate's election.

Explanation.—In this section, the expression "agent" includes any person who is held to have acted as an agent in connection with the election with the consent of the candidate.

31. Power to make rules regulating elections: The Central Government may, either generally or specially for any cantonment or group of cantonment, after previous publication, make rules consistant with this Act to regulate all or any of the following matters for the purpose of the holding of elections under this Act, namely:--

(a) the division of a cantonment into wards;

(b) the determination of the number of members to be elected by each ward;

(c) the preparation, revision and final publication of electoral rolls;

(d) the reservation of wards for election of the Scheduled Castes, the Scheduled Tribes and women;

(e) the registration of electors, the nomination of candidates, the time and manner of holding elections and the method by which votes shall be recorded;

(f) the authority which may be an officer of the State Government by which and the manner in which disputes relating to electoral rolls or arising out of elections shall be decided, and the powers and duties of such authority and the circumstances in which such authority may declare a casual vacancy to have been created or any candidate to have been elected;

(g) the fee to be paid for admission and consideration of any application relating to election disputes:

(h) any other matter relating to elections or election disputes in respect of which the Central Government is empowered to make rules under this Chapter or in respect of which this Act makes no provision or Makes insufficient provision and provision is, in the opinion of the Central Government, necessary.

Members

32. Member not to vote on matter in which he is interested: - (1) No member of a Board shall vote at a meeting of the Board or of any Committee of the Board on any question relating to his own conduct or vote or take part in any discussion on any matter, other than a matter affecting generally the inhabitants of the cantonment, which affects his own pecuniary interest or the valuation of any property in respect of which he is directly or indirectly interested, or of any property of or for which he is a manager or agent.

(2)Where any member of the Board present at the meeting of the Board or any committee of the Board believes that the person presiding over such meeting has pecuniary or other interest in any matter under discussion and moves a motion to that effect, the person so presiding—

(a) shall not be entitled to vote on such motion, and

(b) shall, if such motion is carried, absent himself from the meeting during such discussion.

33. Liability of members: Every member of a Board shall be liable for the loss, waste or misapplication of any money or other property belonging to, vested in, or entrusted to the management of, the Board if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while such member; and a suit for compensation for the same may be instituted against him either by the Board or by the Central Government.

34. Removal of members: (1) The Central Government may remove from a Board any member thereof, who—

(a) becomes or is found to have been at the time of his election or nomination subject to any of the disqualifications specified in sub-ection (2) of section 28 or in section 29; or

(b) has absented himself for more than three consecutive meetings or three months (whichever is later) of the Board and is unable to explain such absence to the satisfaction of the Board.

Explanation.—In computing the aforesaid period of three consecutive months no account shall be taken of any period of absence with the leave of the Board; or

(c) has knowingly contravened the provisions of section 32; or

(d) being a legal practitioner, acts or appears on behalf of any other person against the Board in any legal proceeding or against the Government in any such proceeding relating to any matter in which the Board is or been concerned or acts or appears on behalf of any person in any criminal proceeding instituted by or on behalf of the Board against such person; or

(e) has himself done or aided or abetted encroachments and illegal constructions on defence land in contravention of the provision of this act and the rules and bye-laws made there under.

(2) The Central Government may remove from a Board any member who, in the opinion of theCentral Government, has so abused in any manner his position as a member of the Board as to render his continuance as a member detrimental to the public interests.

(3)The Central Officer Commanding-in-chief, the Command may, on receipt of a report from the Officer Commanding the station remove from a Board any military officer nominated as a member of the Board who is, in the opinion of the Officer Commanding the station, unable to discharged his duties as a member of the Board and has failed to resign his office.

(4) No member shall be removed from a Board under sub-section (1) sub-section (2) of this section unless he has been given a reasonable opportunity of showing cause against his removal.

35. Consequences of removal: (1) A member removed under clause (b) of sub-section (1) or under sub-section (3) of section 34 shall, if otherwise qualified, be eligible for re-election or re-nomination.

(2) A member removed under clause (c) or clause (d) of sub-section (1) of section(34) shall not be eligible for re-election or nomination for the period during which, but for such removal, he would have continued in office.

(3)A member removed under sub-section (2) of section 34 shall not be eligible for re-election or nomination until the expiry of three years from the date of his removal.

36. Member of the Board to be deemed a public servant: Every member of the Board shall be deemed to be a public servant with in the meaning of section 21 of the Indian Penal Code (45 of 1860) and clause (c) of section 2 of the Prevention of Corruption Act, 1988.(49 of 1988)

Employees

37. Disqualification of person as an employee of Board: (1) No person who has directly or in directly by himself or his partner any share interst in a contract with, by or on behalf of a Board, or in any employment under, by or on behalf of a Board, otherwise then as an employee of the Board, shall become or remain an employee of such Board.

(2) An employee of a Board who knowingly acquires or continues to have directly or indirectly by himself or his partner any share or interest in a contract with, by or on behalf of the Board or, in any employment under, by or on behalf of, the Board, otherwise than as an employee of the Board, shall be deemed to have committed an offence under section 168 of the Indian Penal Code (45 of 1860).

(3)Nothing in this section shall apply to any share or interest in any contract with, by or on behalf of, or employment under, by or on behalf of a Board if the same is a share in a company contracting with, or employed by, or on behalf of, the Board or is a share or interest acquired or retained with the permission of the General Officer Commanding-in-chief, the Command in any lease or sale to, pr purpose by the Board of land or building or in any agreement for the same.

(4) Every person applying for employment as an employee of a Board shall, if he is related by blood or marriage to any member of the Board or to any person not being a lower grade employee, in receipt of remuneration from the Board, notify the fact and the nature of such relationship to the appointing authority before the appointment is made, and if he has failed to do so, his appointment shall be invalid but without prejudice to the validity of anything previously done by him.

38. Cantonment employee to be deemed a public servant: Every officer or employee, permanent or temporary of a Board shall deemed to be a public servant within the meaning of section 21 of the Indian Penal Code and clause (c) of section 2 of the Prevention of Corruption Act, 1988 (49 of 1988).

Procedure

39. Meetings: (1) Every Board shall meet at least once in a month to transact it business on such day as may be fixed by the President and in his absence by the Vice-President, and its notice shall be given in such manner as may be provided in the regulations made by the Board under this Chapter.

(2) The President may, whenever he thinks fit, and shall, upon a requisition in writing by not less than one-fourth of the members of the Board, convene a special meeting.

(3) Any meeting may be adjourned until the next or any subsequent day, and an adjourned meeting may be further adjourned in like manner but not more than twice except in case of a public emergency.

40. Business to be transacted: Subject to any regulation made by the Board under this Chapter, any business may be transacted at any meeting:

Provided that no business relating to the imposition, abolition or modification of any tax shall be transacted at a meeting unless notice of the same and of the date fixed therefore has been sent to each member not less than seven days before that date.

41. Quorum: (1) The quorum necessary for the transaction of business at a meeting of the Board shall be one-half of the number of members of the Board holding the office:

Provided that if the number of members of the Board holding Office at a particular time is an odd number, the quorum shall be one-half of the number obtained by adding one to the number of such members.

(2)If a quorum is not present, the President or in his absence, the Vice-President or in the absence of both, the Member-Secretary shall adjourn the meeting and the business which would have been brought before the original meeting if there had been a quorum present thereat shall be brought before, and may be transacted at, an adjourned meeting, whether there is a quorum present or not.

42. Presiding Officer: - In the absence of—

(a) both the President and the Vice-President from any meeting of a Board in which there is more than one elected member,

(b) the President from a meeting of a Board constituted under sub-section (6) of section 12 or sub-section (2) of section 13,

the members present shall elect one from among their own members to preside.

43. Minutes: - (1) The minutes of the proceeding of each meeting shall be recorded in a book and shall be signed by the person presiding. over the meeting and the Chief Executive Officer before the close of the meeting and shall, at such times and in such place as may be fixed by the board, be open to inspection free of charge be any inhabitant of the cantonment and its authenticated copies may be made available to him on request at a nominal cost to be decided by the Board.

(2) Copies of the minutes shall as soon as possible after each meeting be forwarded for information to every Member of the Board the General Officer Commanding-in-chief, the Command, the District Magistrate and the Defense Estate Officer and in cantonments where Navy or Air force stations are located copies of the minutes shall be forwarded for information to the Command Headquarters of the Navy or, as the case may be, the Air Force.

44. Meetings to be public: -Every meeting of a Board shall be open to the public unless in any case the person presiding over the meeting, for reason to be recorded in the minutes, otherwise directs.

45. Method of deciding questions: - (1) All question coming before a meeting shall be decided by the majority of the votes of the members present and voting.

(2) In the case of an equality of votes, the person presiding the over the meeting, shall have a second or casting vote.

(3) The dissent of any member from any decision of the Board shall, if the member so requests, be entered in the minutes, together with a short statement of the ground for such dissent.

46. Civil area: - (1) The Central Government may, by notification in Official Gazette, declare the civil area, in a cantonment, which is inhabited largely by civil population to be civil area for the purpose of this Act.

(2) The Central Government may in consultation with the Board undertake, as and when required and shall undertake after every census, a review of the boundaries of the civil area in each cantonment.

47. Committees for civil areas: - (1) Every Board constituted under section 12 in a cantonment shall appoint a committee consisting of the elected members of the Board, the Health Officer and the Executive Engineer for the administration of the civil area in the cantonment as notified under section 46 of this Act and may delegate its powers and duties to such committee in the manner provided in clause (e) of sub-section (1) of section 48.

(2) The Vice-President of the Board shall be the Chairman of the committee appointed under sub-section (1).

(3) The powers, duties and functions of the Board under sub-section (1) of section 137, section 143, section 147, section 149 and section 262 shall be exercised or discharged in respect of a civil area committee.

Provided that if the Health Officer dissents from any decision arrived at by the committee under sub-section (1) of section 137, section 143, section 147 and section 149 on health grounds, the matter may be referred to the Board by the President for decision.

48. Power to make regulations: -(1)A Board may make regulation consistent with this Act and with the rules made thereunder to provide for all any of the following matter namely:-

a) the time and place of its meetings;

b) the manner in which notice of the meeting shall be given;

c) the conduct of proceeding at meeting and the adournment of meetings;

d) the custody of the common seal of the Board and the purposes for which it shall be used; and

e) the appointment of committees for any purpose and the determination of all matters relating to the constitution and procedure of such committees,and the delegation to such committees,subject to any condition which the Bord thinks fit to impose,of any of the powers or duties of the Board under this Act other then a power to make regulation or bye-laws.

2) No regulation made under clause (e) of sub-section(I)shall take effect until it has been approved by the Central Government.

3) No regulation made under this section shall take effect until it has been published in such manner as the central Government may direct.

49.Joint Action with other local authority.

(I) A Bord may-

(a) Join with any other local authority-

(i) in appointing a joint committee for any purpose in which they are jointly interested and in appointing a chairman of such committee;

(ii) in delegation to such committee power to frame teams binding on the Board and such other local authority as to the construction and future maintenance of any joint work or to exercise any power which might be exercised by the Board or by such other local authority; and

(iii) in making regulations for regulating the proceedings of any such committee relating to the purposes for which it has been appointed; or

(b) with the previous sanction of the General Officer Commanding-in-Chief, the command, and the State Government concerned, enter into an agreement with any other local authority regarding the levy of any tax or toll whereby the said tax or toll respectively leviable by the Board and by such other local authority may be levied together instead of separately within the limits of the area hereafter in this section referred to as the aggregate area subject to the control of the Board and such other local authority.

(2)If any difference of opinion arises between any Board and other local authority acting together under this section, the decision thereon of the central Government or of an officer appointed by the Central Government in this behalf shall be final.

(3)When any agreement such as is referred to in clause (b) of sub-section (1) has been entered into, then-

(a) Where the agreement relates to octroi or terminal tax or toll, the party to the agreement (the Board, or as the case may be, such other local authority) which is specified in this behalf in the agreement,-

(i) shall have the same powers to establish octroi limits and octroi stations and places for the collection of octroi, terminal tax and toll within the aggregate area as it has within the area ordinarily subject to its control;

(ii) shall have the same powers of collecting such octroi, terminal tax or toll in the aggregate area and the provisions of any enactment in force relating to the levy of

such octroi, terminal tax or toll by it shall apply in the same manner as if the aggregate area were comprised within the area ordinarily subject to its control;

(b) the total of the collection of such octroi, tax or toll made in the aggregate area and the costs thereby incurred shall be divided between the cantonment fund and the fund subject to the control of such other local authority, in such proportion, as may have been determined by the agreement.

50. Report on administration: (1) Every Board shall, as soon as may be after the close of the financial year and not later than the date fixed in this behalf by the Central Government, submit to the Central Government through the General Officer Commanding-in-Chief, the command, a report on the administration of the cantonment during the preceding financial year, in such form and containing such details as the Central Government may direct.

(2) The comments, if any, of the General Officer Commanding-in-Chief, the command, on such report shall be communicated by him to the Board which shall be allowed a reasonable time to furnish a reply thereto, and the comments together with the reply, if any, shall be forwarded to the Central Government along with the report.

Control

51. Power of central Government to require production of documents:

The central Govrnment or such officer or authority as may be authorized by the central Government in this behalf may at any time require a Board-

a) to produce any record, correspondence, plan or other document in its possession or under its control;

b) to furnish any return, plan , estimate, statement, account or statistics relating to tis proceeding ,duties or works;

(c) to furnish or obtain and furnish any report.

52. Inspection: The central Government or the General officer Commanding-in-Chief,the Command or the Director General or the principal Director,may depute any person in the service of the Government to inspect or examine any department of the office of,or any service or work undertaken by, or thing belonging to, a Board and to report thereon, and the Board and officer and employees shall be bound to afford the person so deputed access at all reasonable times to the premises and property of the times to the premises and property of the Board and to all record, accounts and other document the inspection of which he may consider necessary to enable him to discharge his duties.

53. Power to call for documents: The General officer Commanding –in-Chief,the Command or the principal Director,may, by order in Writing,-

(a) call for any book or document in the possession or under the control of the Board;

(b) require the Board to furnish such statement, accounts, report and coppices of documents relating to its proceeding, duties or work as he thinks fit.

54. Power to require execution of work, etc: If, on receipt of any information or report obtained under section 51 or section 52 or section 53, the central Government or the General office Commanding-in-Chief, the Command or the Director General or the Principal Director is of opinion_

(a) that any duty impose on a Board by or under this Act has not been performed or has been performed in an imperfect, inefficient or unsuitable manner ;or

(b) that adequate financial provision has not been made for the performance of any such duty,

it or he may direct the Board,within such period as it or he thinks fit,to make arrangements to its or his satisfaction for the proper performance of the duty, or as the case may be to make financial provision to its or his satisfaction for the performance of the duty:

Provided that unless in the opinion of the Central Government or the General Officer Commanding –in –Chief the Command or the Direct or General or the Principal Director as or the case may be the immediate execution of such order is necessary it or he shall before making any direction under this section give the Board an opportunity of showing cause why such direction should not be made.

55. Power to provide for enforcement of direction under section 54: If, Within the period fixed by a direction made under section 54, any action the taking of which has been directed under that section

has not been duly taken the Central Government or the General Officer commanding- in- Chief the Command or the Director General or the Principal Director, as the case may be, may make arrangements for the taking of such action any may direct that all expenses connected therewith shall be defrayed out of the cantonment fund.

56. Power to override decision of Board: -(1) If the president dissent from any decision of the Board which he considers prejudicial to the health, welfare, discipline or security of the Forces in the cantonment he may for reasons to be recorded in the minutes, by order in writing, direct the suspension of action thereon for any period not exceeding one month and if he dose so shall forthwith refer the matter to the General Officer Commanding- in- Chief, the Command.

(2) If the District Magistrate considers any decision of a Board to be prejudicial to the public health, safety or convenience, he may after giving notice in writing of his intention to the Board, refer the matter to the Central Government, and pending the disposal of the reference to the Central Government on action shall be taken on the decision.

(3) If any Magistrate who is a member of a Board, being present at a meeting, dissents form any decision which he considers prejudicial to the public health safety or convenience, he may for reasons to be recorded in the minutes and after giving notice in writing of his intention to the President, report the matter to the District Magistrate; and the President shall, on receipt of such notice,direct the suspension of action on decision for a period Sufficient to allow of a communications being made to the District Magistrate and of his taking proceeding as provide in sub- section (2)

(4) if the Chief Executive Officer consider any decision of the Board taken at a meeting, to be in contravention of the provision of this Act, rules, regulation or bye- laws made thereunder and the general guidelines issued by the Central Government from time to time in this regard, he may, for reason to be recorded in writing and after informing the president in this behalf, forthwith refer the matter to the principal Director who shall if considered appropriate direct the suspension of action on the said decision for a period not exceeding one month.

(5) The principal Director shall, for reasons to be recorded in writing on the reference made under sub- section (4) refer the matter to the General Officer Commanding- in- Chief, the Command along with recommendation on whether or not the said decision of the Board should be revoked and inform the matter to Director General Defence Estates.

57. Power of Central Government to review: - The Central Government may, at any time, review any decision or order of the Board or the General Officer Commanding- in- Chief, the Command, and pass such orders thereon as it may deem fit:

Provided that where it is proposed to modify a decision or order of the Board or reasonable opportunity shall be given to the Board to show cased why the decision or order in question should not be modified.

(58). Fower of General Officer Commanding- in- Chief, the Command on reference under section 56 or otherwise:- (1) The General Office Commanding- in- Chief, the Command, may at any time-

(a) direct that any matter or any specific proposal other than one which has been referred to the Central Government under sub-section (2) of section 56 be considered or reconsidered by the Board;or

(b) direct the suspension for such period as may be stated in the order, of action on any decision of a Board, other than a decision which has been referred to him under sub-section (l) of section 56,and thereafter cancel the suspension or after giving the Board a reasonable opportunity of showing cause why such direction should not be made,direct that the decision shall not be carried into effect or that it shall be carried into effect with such modification as he may specify.

(2) when any decision of a Board has been referred to him under sub-section (1) and (4) of section 56, the General Officer Commanding –in-Chief, the Command, may, by order in writing,-

(a) cancel the order given by the President directing the suspension of action; or

(b) extend the duration of the order for such period as he thinks fit;or

(c) after giving the Board a reasonable opportunity of showing case why such direction should not be made, direct that decision shall not be carried into effect or that it shall be carried into effect by the Board with such modification as he may specify.

(59). Power of Central Government on a reference made under section 56:- (1) When any decision of a Board has been referred to the Central Government under sub-section (2) of section 56,the Central Government may, after consulting the General Officer Commanding-in –Chief, the Command by order in writing ,-

(a) direct that no action be taken on the decision; or

(b) direct that the decision be carried into effect either without modification or with such modification as it may specify.

(60). Supersession of Board: - (1) If, in the opinion of the Central Government any Board is not competent to perform or persistently makes default in the performance of the duties imposed on it by or under this Act or otherwise by law, or exceeds or abuses its powers, the Central Government may by an order published, together with the statement of the reasons therefore in the Official Gazette declare the Board to be, incompetent or in default or to have exceeded or abused its powers, as the case may be and supersede it for such period as may be specified in the order;

Provided that no Board shall be superseded unless a reasonable opportunity has been giving to it to show cause against the supersession.

(2) When a Board is superseded by an order under sub-section (1)-

(a) all member of the Board shall on such date as may specified in the order vacate their offices as such member but without prejudice to their eligibility for election or nomination under clause(c);

(b) during the supersession of the Board all powers and duties conferred and imposed upon the Board by or under this Act shall be exercised and performed by the Officer Commanding the station or by such officer as may be authorized by the central Government subject to such reservation if any, as the Central Government may prescribe in this behalf; and

(c) before the expiry of the period of supersession elections shall be held and nomination made for the purpose of reconstituting the Board.

Validity of proceedings

(61). Validity of proceedings: - (1) No act or proceeding of a Board or of any committee of a Board shall be invalid by reason only of the existence of a vacancy in the Board or committee.

(2) No disqualification or defect in the election nomination or appointment of a person acting as the president or a member of a Board or of any such committee shall vitiate any act or proceeding of the Board or the committee if the majority of the persons present at the time of the act being done or the proceeding being taken werw duly qualified member thereof.

(3) Any document or minutes which purport to be the record the proceedings of a Board or any committee of a Board shall if made and signed substantially in the manner prescribed for the making and signing of the record of such proceeding be presumed to be a correct record of the proceedings of a duly convened meeting held by a duly constituted Board or committee as the case may be whereof all the members were duly qualified.

CHAPTER 1V

DUTIES AND DISCRETIONARY FUNCTIONS OF BOARDS

(62).Duties of Board: - It shall be the duty of every Board so far as the funds at its disposal permit to make reasonable provision within the cantonment for-

(i) lighting streets and other public places;
(ii) watering streets and other public places;
(iii) cleansing streets public places and drains abating, nuisances and removing noxious vegetation;
(iv) regulating offensive dangerous or obnoxious trades, calling and practices;
(v) removing on the ground of public safety, health or convenience, undesirable obstruction and projection in streets and other public places;
(vi) securing or removing dangerous buildings and places ;
(vii) acquiring, maintaining, changing, and regulating places for the disposal the dead;

(viii) constructing, altering and maintaining streets, culverts bridges causeways, markets slaugher-houses latrines, privies, urinals, drains, drainage works and sewerage works and regulating their use;

(ix) planting and maintaining trees on roadsides and other public places;

(x) providing or arranging for a sufficient supply of potable water where such supply does not exist, guarding from pollution water used for human consumption and preventing polluted water from being so used;

(xi) registering births and deaths;

(xii) Preventing and checking spread of dangerous diseases; establishing and maintaining a system of public vaccination and inoculation for the said objective;

(viii) establishing and maintaining or supporting public hospital, maternity and child welfare centres and dispensaries and providing public medical relief;

(xiv) establishing and maintaining or assisting primary schools;

(xv) rendering assistance in extinguishing fires and protecting light and property when fire occurs;

(xvi) maintaining and developing the value of property vested in, or entrusted to, the management of the Board;

(xvii) establishing and maintaining civil defence services;

(xviii) preparing and implementing town planning schemes;

(xvi) preparing and implementing plan for economic development and social justice;

(xx) naming and numbering of streets and premises;

(xxi) according or refusing permission to erect or re-erect building;

(xxii) organising, promoting or supporting cultural and sports activities;

(xxiii) celebrating independence Day and Republic Day and incurring expenditure thereon;

(xxiv) fulfilling any other obligation imposed upon it by or under this Act or any other law for the time being in force.

(63). Power to manage property: - A Board may subject to any conditions imposed by the Central Government, manage any property entrused to its management by the Central Government on such terms as to the sharing of rents and profits accruing from such property as may be determind by rule made under section 346.

(64). Discretionary functions of Board: - (1) A Board may within the cantonment make provision for-

(i) laying out in areas whether previously built upon or not new streets and acquiring land for that purpose and for the construction of buildings, and compouds of buildings, to about on such streets;

(ii) constructing establishing or maintaining public parks, gaedens offices dariring bathing or washing places drinking fountains tanks wells and other work of public utility;;

(iii) reclaiming unhealthy localities;

(iv) furthering education objects by measures other than the establishment and maintenance of primary school;

(v) setting up or supporting higher school colleges and vocational professional and special education;

(vi) constructing and maintaining works and structures, including rainwater harvesting for providing supply of water for public and private purposes;

(vii) constituting maintaining and managing supply and distribution of electricity, including by exploiting non-conventional energy sources, to public and private premises;

(viii) taking a census and granting rewards for information which may tend to secure the correct registration of vital statistics;

(ix) making a survey;

(x) giving relief on the occurrence of local epidemics, floods, famines or other natural calamities by the establishment or maintaining of relief work or otherwise;

(xi) securing or assisting to secure suitable places for the carrying on of any offensive dangerous or obnoxious trade, calling or occupation;

(xii) establishing and maintaining a farm or other place for the disposal of sewage;

(xiii) constructing subsidising or guaranteeing tramways or other means of locomotion and electric lighting or electric power work;

(xiv) establishing and maintaining cattle pounds;

(xv) arranging for civic reception with prior approval of the Officer Commanding the station;

(xvi) providing house accommodation for any class of inhabitants;

(xvii) conservation and maintaining of ancient and historical monuments, archaeological sites and remains or place of public importance in the cantonment;

(xviii) developing land resources under the management of the Board;

(xix) preparing and implementing group housing schemes;

(xx) establishing and unretaking remunerative projects;

(xxi) developing small-scale and cottage industries;

(xxii) developing expertise in different areas of urban governance and local self- government to and able to provide consultancy to other Municipal and Development Authorities;

(xxiii) adopting any measure, other than a measure specified in section 62 or in the foregoing provision of this section likely to promote the safety, health or convenience of the inhabitants of the cantonment;

(xxiv) Establishing and maintaining or supporting libraries, museums, art galleries, botanical or zoological collections;

(xxv) Establishing and maintaining or supporting stadia, gymnasia, akharas and places for sports and games;

(xxvi) Establishing theatres and cinemas;

(xxvii) Organising and managing fairs and exhibitions;

(xxviii) Constructing and maintaining: -

(a) rest-houses;
(b) poor-houses;
(c) infirmaries;
(d) children's home;
(e) houses for deaf and dumb and for disabled and handicapped children;
(f) shelters for destitute and disabled persons;
(g) asylums for persons of unsound mind;
(h) old age homes;
(i) working women's hostels;

(xxix) establishing and managing chemical or bacteriological laboratories for the examination or analysis of water, food and drugs for the detection of diseases or research connected with the public health or medical relief;

(xxx) providing relief to destitute and disabled persons;

(xxxi) Establishing and maintaining veterinary hospitals;

(xxxii) Constructing and maintaining warehouses and godowns;

(xxxiii) Constructing and managing garages, sheds and stands for vehicles and cattle sheds;

(xxxiv) Constructing and managing community halls and convention halls;

(xxxv) Holding seminars, workshops, public debates, and similar activities particularly on issues and rules and regulations of civic importance.

Explanation: For the purpose of clause(xvii)

(a) " conservation" means the supervision, management and maintenance of a place to retain its historical, architectural, aesthetic or cultural significance or of environment and includes the protection, improvement, preservation, restoration, reconstruction and adoption or a combination of more than one of these activities, and the use of such place in a way that ensures the social as economic benefits;

(b) "ancient and historical monuments, archaeological sites and remains or place of public importance" include buildings, artifacts, structures, areas, or precincts of

historical or aesthetical or educational or scientitic or cultural or envirnmental significance, and those natural features of environment significance or scenic beauty, as may be declared by the Board.

(2) A Board may, either within or outside the cantonment, make provision for the doing of anything on which expenditure is declared by the Central Government, or by the Board with the sanction of the Central Government, to be an appropriate charge on the cantonment fund or the cantonment development fund.

(65). **Power of expenditure of educational health and other purpose outside the cantonment:** (1) A Board may make provision subject to availability of funds for -

(i) educational objects in a cantonment

(ii) the objectives of public health and medical care;

(iii) works relating to water-supply, drainage and lighting;

(iv) the preservation, improvement and upgradation of environment,

outsidethe cantonment if it is satisfied that the interest of the residents of the cantonment will be served therby.

CHPTER V

(TAXES AND FEES

imposition of taxation

(66). General power of taxation: - (1) The Board shall with the previous sanction of the Central Government, impose the following taxes for the purposes of this Act:-

(a) property tax;and

(b) tax on trades, professions callings and employments.

(2) in addition to the taxses specified in sub-section (1) the Board may, for the purposes of this Act, imposed any tax which under any enactment for the time being in force may be imposed in any Municipality in the state cantonment is situated:

provided that the Board shall revise every five years, the rates of taxes imposed under sub-section (1) and (2)

Provided further that the Board shall not abolish any tax imposed under this section or vary it to he Board financial disadvantage without the prior sanction of the central Government and the tax mentioned in sub-section (2)shall not exceed the ceiling prescribed in this behalf by clause (2)of article 276 of the Constitution.

(3) The taxes specified in sub-section (1) and (2) shall be imposed assessed and collected in accordance with the provisions of this Act, rules and they bye-laws made thereunder.

(4) Any tax imposed under this section shall take effect from the date of its notification in the Official Gazette or where any later date is specified in this behalf in the notification from such later date.

(67). Charging of fees: - The Board shall for the purposes of this Act, charge the following fees namely:-

(a) licence fees on vehicles and animals;

(b) Licence fee on advertisement other than advertisement in newspapers;

(c) fee relating to maintenance of property records;

(d) processing fee on buildings payable along with application for sanction of the building plan;

(e) licence fee on entry of vehicles;

(f) betterment fee on the increase in land value caused by the execution of any development work; and

(g) such other fee which the Board may by regulation specify:

provided that the fee charged under clause (g) of this section shall not be less than the cost incurred by the Board for or in connection with the specific service to which the fee relates.

68. Norms of property tax: Save as otherwise provided in this Act, the property tax shall be levied on lands and buildings in the cantonment and shall consist of not less than ten and not more than thirty per cent of the annual rate able value of lands and buildings:

Provided that the Board may, when fixing the rate at which the property tax shall be levied during any year, determine that the rate levied in respect of lands and buildings or portions of lands and buildings

in which any particular class of trade or business is carried on shall be higher than the rate determine in respect of other lands and buildings or portions of other lands and buildings by an amount not exceeding one half of the rate so fixed:

Provided further that the tax may be levied on graduated scale, if the Board so determines.

Explanation- where any portion of a land or building is liable to a higher rate of the tax such portion shall be deemed to be a separate property for the purpose of municipal taxation alone.

69. Framing of preliminary proposals: When a resolution has been passed by the Board proposing to impose a tax under section 66, the Board shall in the manner prescribed in section 319 publish a notice specifying-

(a) the tax which it is proposed to impose;

(b) the persons or classes of persons to be made liable and the description of the property or other taxable things or circumstance in respect of which they are to be made liable; and

(c) the rate at which the tax is to be levied.

70. Objections and disposal thereof: (1) Any inhabitant of the cantonment may, within thirty days from the publication of the notice under section 69, submit to the Board an objection in writing to all or any of the proposals contained therein and the Board shall take such objection into consideration and pass orders thereon by special resolution.

(2) Unless the Board decides to abandon its proposals contained in the notice published under section 69, it shall submit to the Central Government through the general Officer commanding-in-chief, the command, all such proposals along with the objections, if any received in connection therewith together with its opinion thereon and any modifications proposed in accordance with such opinion and the notice published under the said section.

71. Imposition of tax: The Central Government may authorise the Board to impose the tax either in the original form or, if any objection has been submitted, in that form or any such modified form as it thinks fit.

72. Power of Central government to issue directions to the Board: (1) Where the Central Government is of opinion that for securing adequate financial provision for the efficient discharge of the duties and functions of a Board it is necessary so to do, it may issue directions to the Board requiring it to impose within the cantonment area any tax which it is empowered under this Act to impose and which is not already imposed within the side area or to enhance any existing tax in such a manner or to such an extent as the Central Government considers fit and the Board shall, in accordance with direction, forthwith impose or enhance such tax in accordance with the provisions of this chapter:

Provided that-

(a) no such directions shall be issued without giving the Board and the inhabitants of the cantonment area, an opportunity of showing cause why such directions should not be issued;

(b) the central Government shall take into consideration any objection which the Board or any inhabitant of the cantonment area may make against the imposition or enhancement of such tax;

(c) it shall not be lawful for the Board to modify or abolish such tax when imposed or enhanced without the sanction of the Central Government.

(2) The central Government may, at any time cancel or modify any direction issued by it under sub-section (1) with effect from such date as may be specified in the direction and on and from the date so specified the imposition or enhancement of such tax, shall cease or be modified accordingly.

73. Definition of "annual rateable value": For the purposes of this chapter, "annual rateable value" means-

(a) in the case of hotels, collages, schools, hospital, factories and any other buildings which the Chief Executive Officer decides to assess under this clause, one-twentieth of the sum obtained by adding the estimated present cost of erecting the building to the estimated value of the land appertaining thereto and

(b) in the case of building or land not assessed under clause (a), the gross annual rent for which such building exclusive of furniture or machinery therein or such land in actually let or, where the building or land is not let or in the opinion of the Chief Executive Officer is let for a sum less than its fair letting value, might reasonably be expected to let from year to year:

Provided that, where the annual rateable value of any building is, by reason of exceptional circumstances, in the opinion of the President Cantonment Board, excessive if calculated in the aforesaid manner, the President Cantonment Board may fix the annual rateable value at any less amount which appears it him to be just.

74. Incidence of taxation:(1)save as otherwise expressly provided in the notification imposing the tax, every tax assessed on the annual rateable value of buildings or lands or of both shall be leviable primarily upon the actual occupier of the property upon which the said tax is assessed, if he is the owner of the buildings or land or holds them on a building or other lease granted by or on behalf of the Government or the Board or on a building lease from any person.

(2) In any other case, the tax shall be primarily leviable as follows, namely:-

(a) if the property is let, upon the lessor ;

(b) if the property is sub-let, upon the superior lessor;

(c) if the property is unlet, upon the person in whom the right to let the same vests.

(3) The liability of the several owners of any building which is, or purports to be, severally owned in parts or flats or rooms or separate tenements for the payment of such tax or any instalment thereof payable during the period of such ownership shall be joint and several.

(4) On failure to recover any sum due on account of such tax from the person primarily liable, these may be recovered from the occupier of any part of the buildings or lands in respect of which the tax is due such portion of the sum due as bears to the whole amount due the same ratio which the rent annually payable by such occupier bears to the aggregate amount of rent so payable in respect of the whole of the said buildings or lands, or to the aggregate amount of the letting value thereof, if any, stated in the authenticated assessment list.

(5) An occupier who makes any payment for which he is not primarily liable under this section shall, in the absence of any contract to the contrary, be entitled to be reimbursed by the person primarily liable for the payment, and, if so entitled, may deduct the amount so paid from the amount of any rent from time to time becoming due from him to such person.

75. Assessment list: When a tax assessed on the annual rateable value of buildings or lands or both is imposed, the Chief Executive Officer shall cause an assessment list of all buildings or lands in the cantonment, or of both, as the case may be, to be prepared in such form and in such manner as the Central Government may by rule prescribe

76. Revision of assessment list: - (1) The Chief Executive Officer shall, at the same time, give public notice of a date, not less than one month thereafter, when he shall proceed to consider the valuation and assessment entered in the assessment list, and, in all cases in which any property is for the first time assessed or the assessment is increased shall also give written notice thereof to the owner and to any lessee or occupier of the property.

(2) Any objection to a valuation or assessment shall be made in writing to the Chief Executive Officer before the date fixed in the notice, and shall state in what respect the valuation or assessment is disputed, and all objections so made shall be recorded in a register to be kept for the purpose by the Chief Executive Officer.

(3) The objections shall be inquired into and investigated, and the persons making them shall be allowed an opportunity of being heard either in person or by authorized agent by the Chief Executive Officer.

77. Authentication of assessment list: - (1) When all objections made under section 76 have been disposed of, and the revision of the valuation and assessment has been completed, the assessment list shall be authenticated by the signature of the Chief Executive Officer and the President Cantonment Board, who shall, certify that except in the cases if any, in which amendments have been made as shown

therein no valid objection has been made to the annual rateable value or any other matters entered in the said list:

Provided that whenever the general Officer Commanding-in-Chief the Command or the Principal Director comes to the conclusion that the assessment lists or any entries therein have not been correctly prepared and are prejudicial to the interests of the Board or of the Central Government, they may suo moto re-open the said assessment and issue such directions as deemed fit

(2) The assessment list so authenticated shall be deposited in the office of the Board and shall there be open free of change during office hours to all owners lessees and occupiers of property comprised therein or the authorized agents of such persons, and a publics notice that it is so open shall forthwith be published.

78. Evidential Value of assessment list: Subject to such alterations as may thereafter be made in the assessment list under the provisions of this chapter and to the result of any appeal made thereunder, the entries in the assessment list authenticated and deposited as provided in section 77 shall be accepted as conclusive evidence-

(a) for the purpose of assessing any tax imposed under this Act, of the annual rateable value or other valuation of all buildings and lands to which such entries respectively refers; and
(b) for the purposes of any tax imposed on buildings or lands, of the amount of each such tax leviable thereon during the year to which such list relates.

79. Amendment of assessment list: (1) The Chief Executive Officer may after obtaining the approval of President Cantonment Board amend the assessment list at any time-

(a) by inserting or omitting the name of any person whose name ought to have been or ought to be inserted or omitted; or
(b) by inserting or omitting any property which ought to have been or ought to be inserted or omitted; or
(c) by altering the assessment on any property which has been erroneously valued or assessed through fraud, accident or mistake whether on the part of administration or assesses; or
(d) by revaluing or re-assessing any property the value of which has been increased; or
(e) in the case of a tax payable by an occupier, by changing the name of the occupier:

Provided that no person shall by reason of any such amendment become liable to pay any tax or increase of tax in respect of any period prior to the commencement of the year in which the assessment is made.

(2) Before making any amendment under sub-section (1) the Chief Executive Officer shall give to any person affected by the amendment, notice of not less than one month that he proposes to make the amendment.

(3) Any person interested in any such amendment may tender an objection to the Chief Executive officer in writing before the time fixed in the notice, and shall be allowed an opportunity of being heard in support of the same in person or by authorized agent.

80. Preparation of new assessment list: The Chief Executive Officer shall prepare a new assessment list at least once in every three years and for this purpose the provision of section 75 to 79 shall apply in like manner as they apply for the purpose of the preparation of an assessment list for the first time.

81. Notice of transfer.- (1) Whenever the title of any person primarily liable for the payment of a tax on the annual rateable value of any building or land to or over such building or land is transferred the person whose titles is transferred and the person to whom the same is transferred shall within three months after the execution of the instrument of tramfer or after its registration if it is registered or after the transfer is effected if no instrument is executed give notice of such transfer to the chief Executive officer.

(2) In the event of the death of any person primarily liable as aforesaid, the person on whom the title of the deceased devolves shall give notice of such devolution to the chief Executive officer within six months from the death of the deceased.

(3) The notice to be give under this section shall be in such from as be determined by rules made under section 346, and the transferee or other person on whom the title devolves shall if so required be bound to produce before the chief Executive officer any documents evidencing the transfer or devolution.

(4) Ever person who makes a transfer as aforesaid without giving such notice to the chief Executive officer shall continue liable for the payment of all taxes assessed on the property transferred until he gives notice or until the transfer has been recorded in the registers or the Board but nothing in this section shall be held to affect the liability of the transferee for the payment of the said tax.

(5) The Chief Executive Officer shall record every transfer or devolution of title notified to him under sub-section (1) or sub-section (2) in the assessment list and other tax registers of the Board.

(6) Any failure to comply with the provisions contained in sub-sections (1) to (3) shall be punishable with fine which may extend to ten thousand rupees.

82. Notice of erection of buildings: (1) If any building is erected or re-erected with the meaning of section 235,the owner shall give notice thereof to the Chief Executive Officer within thirty days from the date of its completion or occupation, whichever is earlier.

(2) Any person failing to give the notice required by sub-section (1) shall be punishable with fine which may extend to five thousand or ten time the amount of the tax payable on the said building, as erected or re-erected, as the case may be, in respect of a period of three months, whichever is greater.

Remission and refund

83. Demolition etc, of buildings: If any building is wholly or partly demolished or destroyed or otherwise deprived of value, the Board may, on the application in writing of the owner or occupier, remit or refund such portion of any tax assessed on the annual rateable value thereof as it thinks fit but no remission or refund shall take effect in respect of any period commencing more than two months before the delivery of such application.

84. Remission of tax: In a cantonment when any building or land has remained vacant and unproductive of rent for sixty or more consecutive days the Chief Executive Officer shall remit or refund, as the case may be, one-half of such portion of any tax assessed on the annual rateable value thereof as may be proportionate to the number of days during which the said building or land has remained vacant and unproductive of rent:

Provided that in any cantonment which the Central Government, by notification in the Official Gazette, has declared to be a hill cantonment and in respect of which the Central Government by the same or a like notification has declared a portion of the year to be the season for the cantonment-

(a) when any building or land is leased for occupation through the season only, but the rent charged is full annual rent, no remission or refund shall be admissible under this section in respect of any time outside the season during which the building or land remains vacant;

(b) When such building or land has remained vacant unproductive of rent in respect of any time not being less than sixty consecutive days during which within the season the chief Executive Office shall remit or refund one-half of such portion of any tax assessed on the annual retable value there as bear to the whole of the tax so assessed the same proportion as the number of days during which the building or land has remained vacant and unproductive of rent bear to the total length of the season.

85. Power to require entry in assessment list of details of building: (1) For the purpose of obtaining a partial remission or refund of tax the owner of a building composed of separate tenements may request the Chief Executive Officer at the time of the assessed of the building to enter in the assessed list in addition to the annual rateable value of the whole building, a note recording in details the annual rateable value of each separate tenement.

(2) when any tenement the annual value of which has been thus separately recorded has remained vacant and unproductive of rent for sixty or more consecutive days one-half of such portion of any tax assessed on the annual rateable value of the whole building shall be remitted or refunded as would have been remitted or refunded if the tenement had been separately assessed.

86. Notice to be given of the circumstances in which remission or refund is claimed: No remissions or refund under section 84 or section 85 shall be made unless notice in writing of the fact that the building, land or tenement has become vacant and unproductive of rent, has been given to the Chief

Executive Officer and no remission or refund shall take effect in respect of any period commencing more than fifteen days before the delivery of such notice.

87. What buildings, etc., are to be deemed vacant: (1) For the purposes of section 84 and 85 no building, tenement or land shall be deemed vacant if maintained as a resort or town or country house or be deemed unproductive of rent if let to a tenant who has a continuing right of occupation thereof, whether he is in actual occupation or not.

(2) The burden of proving all facts entitling any person to claim relief under section 83 or section 84 or section 85 shall be upon him.

88. Notice to be given of every occupation of vacant building or house: (1) The owner of any building, tenement or land in respect of which a remission or refund of tax has been given under section 84 or section 85 shall give notice of the re-occupation of such building, tenement or land within fifteen days of such re-occupation.

(2) Any owner failing to give the notice required by sub-section (1) shall be punishable with fine which shall not be less than twice the amount of the tax payable on such building, tenement or land in respect of the period during which it has been re-occupied and which may extend to two thousand five hundred rupees, or ten times the amount of the said tax, whichever sum is greater.

Charge on immovable property

89. Tax on buildings and land to be a charge thereon: A tax assessed on the annual rateable value of any building or land shall, subject to the prior payment of the land-revenue, if any, due to the Government thereon, be a first charge upon the building or land

Octroi, terminal tax and toll

90. Inspection of imported goods, octroi, terminal tax and toll, etc: Every person bringing or receiving any goods, vehicles or animals within the limits of any cantonment in which octroi or terminal tax or toll is leviable shall, when so required by an officer duly authorized by the Chief Executive Officer in this behalf, so far as may be necessary for ascertaining the amount of tax chargeable-

(a) Permit that officer to inspect, examine or weigh such goods, vehicles or animals; and

(b) Communicate to that officer any information, and exhibit to him any bill, invoice or document of a like nature, which such person may possess relating to such goods, vehicles or animals.

91. Power to seize, etc: (1) Any person who takes or attempts to take past any octroi station or any other place appointed within a cantonment for the collection of octroi, terminal tax or toll any goods, vehicles or animals, on account of which octroi, terminal tax or toll is leviable and thereby evades, or attempts to evade, the payment such octroi, terminal tax or toll and any person who abets any such evasion or attempts at evasion, shall be punishable with fine which may extend either to ten times the value of such octroi, terminal tax or toll, or to two thousand five hundred rupees, whichever is greater, and which shall not be less than twice the value of such octroi, terminal tax or toll, as the case may be.

(2) In case of non-payment of any octroi or terminal tax or toll on demand, the officer empowered to collect the same may seize any goods, vehicles or animals on which the octroi, terminal tax or toll is chargeable or any part or number thereof which is of sufficient value to satisfy the demand and shall give a receipts specifying the items seized.

(3) The Chief Executive Officer, or an officer of the Board authorized by him, after the lapse of five days from the seizure, and after the issue of a notice in writing to the person in whose possession the goods, vehicles or animals were at the time of seizures, fixing the time and place of sale, may cause the property so seized, or so much thereof as may be necessary, to be sold by auction to satisfy the demand and meet expenses occasioned by the seizure, custody and safe thereof, unless the demand and expenses are in the meantime paid:

Provided that the Chief Executive Officer may, in any case order that any article of a perishable nature which cannot be kept for five days without serious risk of damage, or which cannot be kept safe at a cost which, together with the amount of octroi, terminal tax or toll, is likely to exceed its value, shall be sold after the lapse of such shorter times as he may, having regard to the nature of the article, think proper.

(4) If, at any time before the sale has begun, the person whose property has been seized tenders to the Chief Executive Officer the amount of all expenses incurred and of the octroi, terminal tax or toll, the Chief Executive Officer shall release the property seized.

(5) The surplus, if any, of the sale proceeds shall be credited to the cantonment fund, and shall, on application made to the Chief Executive Officer within six months after the sale, be paid to the person in whose possession the property was at the time of seizure, and, if no such application is made, shall become the property of the Board.

92. Lease of octroi, terminal tax or toll: It shall be lawful for the Chief Executive Officer, with the previous sanction of the Board to lease the collection of any octroi, terminal tax or toll for any period not exceeding one year; and the lessee and all persons employed by him in the management and collection of the octroi, terminal tax or toll shall, in respect thereof,-

(a) be bound by any orders made by the Chief Executive Officer for their guidance;

(b) have such powers exercisable by officers or employees of the Board under this Act as the Board may confer upon them; and

(c) be entitle to the same remedies and be subject to the same responsibilities as if they were employed by the Board for the management and collection of the octroi, terminal tax or toll, as the case may be:

Provided that no article distrained may be sold except under the orders of the Chief Executive Officer.

Appeals

93. Appeals against assessment: (1) An appeal against the assessment or levy of, or against the refusal to refund, any tax under this Act shall lie to the District Court.

(2) If the District Court, on the hearing of an appeal under this section, entertains reasonable doubt on any question as on to the liability to, or other principle of assessment of, a tax the Court may, either on its own motion or on the application of the appellant, draw up statement of the facts of the case and the point on which doubt is entertained, and refer the statement with its opinion on the point for the decision of the High Court.

(3) On a reference being made under sub-section (2), the subsequent proceedings in the case shall be, as nearly as may be, in conformity with the rules relating to references to the high Court contained in order XLVI of the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908).

Explanation: For the purposes of this section and section 94, 95, 96, 97 and 102, “District Court”, in relation to a cantonment, means the Principal Civil Court of original jurisdiction having jurisdiction over the area in which that cantonment is situated, and includes such other Civil Court having jurisdiction over that area as the Central Government may, by notification in the Official Gazette, specify in this behalf, in consultation with the High Court having jurisdiction over that area.

94.Costs of appeal: In every appeal the costs shall be in the discretion of the District Court hearing the appeal.

95. Recovery of costs from Board: (1) If the Board fails to pay any costs awarded to an appellant within ten days after the date of the order for payment thereof, the District Court awarding the costs may order the person having the custody of the balance of the cantonment fund to pay the amount.

(2) Where the appellant fails to pay any costs awarded to the Board within ten days after the date of the order for payment therefore, the same shall be recoverable by the Board in the same manner as moneys recoverable by the Board under section 324.

96. Conditions of right to appeal: No appeal shall be heard or determined under this Chapter unless-

(a) the appeal is, in the case of a tax assessed on the annual rateable value of buildings or lands or both, brought within thirty days next after the date of the authentication of the assessment list under section 77 (exclusive of the time required for obtaining a copy of the relevant entries therein), or, as the case may be, within thirty days of the date on which an amendment is finally made under section 79 and in the case of any other tax, within thirty days next after the date of the receipt of the notice of

assessment or of alteration of assessment or if no notice has been given, within thirty days next after the date of the presentation of the first bill in respect thereof:

Provided that an appeal may be admitted after the expiration of the period prescribed therefore by this section if the appellant satisfies the District Court before whom the appeal is preferred that he had sufficient cause for not preferring it within that period;

(b) the amount including the assessed tax or duty, if any, in dispute in the appeal shall be deposited by the appellant every year on or before the due date in the office of the Board till the appeal is decide by the District Court.

97. Finality of appellate orders: The order of a District Court confirming, setting aside or modifying an order in respect of any valuation or assessment or liability to assessment or taxation shall be final:

Provided that it shall be lawful for the District Court, upon application or on its own motion, to review any order passed by it is in appeal if application in this behalf is made within three months from the date of the original order.

Payment and recovery of taxes

98. Time and manner of payment of taxes: Save as otherwise expressly provided under this Act, any tax imposed under the provisions of this Act shall be payable on such dates and in such manner, as the Chief Executive Officer may, by public notice, direct.

99. Public notice for taxes due: (1) when any tax has become due the Chief Executive Officer shall cause a separate bill and public notice to be issued as well as published in a local newspaper specifying the tax and the period for which it is due for payment.

(2) The tax shall become due for payment from the date of issue public notice under sub-section (1) above.

(3) Any non-receipt of a Bill by a person shall not be a cause for non-payment of the tax notified under sub-section (1).

100. Notice of demand: (1) If the amount of tax for which public notice has been issued or a bill has been presented is not paid within thirty days from the issue of public notice or presentation of the bill, as the case may be, the Chief Executive Officer may cause to be served upon the person liable for the payment of the same a notice of demand in the form set forth in Schedule 1.

(2) For every notice of demand which the Chief Executive Officer causes to be served on any person under this section, a fee of such amount, not exceeding two hundred rupees as shall in each case be fixed by the Chief Executive Officer, shall be payable by the said person and shall be included in the costs of recovery.

101. Recovery of tax: (1) If the person liable for the payment of any tax does not, within thirty days from the service of the notice of demand, pay the amount due, or show sufficient cause for non-payment of the same to the satisfaction of the Chief Executive officer, such sum, with all costs of recovery, may be recovered under a warrant, issued in the from set forth in Schedule 11, by distress and sale of the movable property or attachment and sale of the immovable property of the defaulter:

Provided that the Chief Executive Officer shall not recover any sum the liability for which has been remitted on appeal under this Chapter.

Provided further that the sale of any immovable property attached under this sub-section shall not be made save under the orders of the Board.

(2) Every warrant issued under this section shall be signed by the Chief Executive Officer.

102. Interest payable on taxes due: (1) If a person on whom a notice of demand has been served under section 100, does not, within thirty days from the service of such notice, pay the sum demanded in the notice, he shall be liable to pay by way of interest, in addition to the sum and other charges due one per cent. of the sum due for each complete month from the date of expiry of the period of thirty days as aforesaid.

(2) The mount of interest shall be recoverable in the same manner as moneys recoverable by the Board under section 324.

Provided that---

(a) Where no appeal has been preferred, the Chief Executive officer with the previous sanction of the Board; and

(b) In any other case the District Court hearing the appeal under section 93, may remit the whole or any part of the interest payable in respect of any period.

103. Distress: (1) It shall be lawful for any official of the Board to whom a warrant issued under section 101 is addressed to distrain, wherever it may be found in the cantonment, and movable property of or standing timber, growing crops or grass belonging to the person therein named as defaulter, subject to the following conditions, exceptions and exemption, namely: --

(c) The following property shall not be distrained---

(i) the necessary wearing g apparel and bedding of the defaulter or of his wife or of his children;

(ii) tools of artisans;

(iii) books of account: or

(iv) when the defaulter is an agriculturist, his implements of husbandry, seed-grain, and such cattle as may be necessary to enable the defaulter to earn his livelihood;

(b) The distress shall not be excessive that is to say, the property distrained shall be as nearly as possible equal in value to the amount recoverable under the warrant, and if any property has been distrained which in the opinion of the Chief Executive Officer, should not have been distrained, it shall forthwith be returned,

(2) The person charged with the execution of a warrant of distress shall forthwith make an inventory of the property, which he seizes under such warrant, and shall, at the same time, give a written notice in the form in Schedule III to the person in possession thereof at the time of seizure that the said property will be sold as therein mentioned.

104. Disposal of distrained property: (1) when the property seized in subject to speedy and natural decay, or when the expense of keeping it is custody is, when added to the amount to be recovered, likely to excced its value, the Chief Executive Officer shall give notice to the person in whose possession the property was at the time of seizure that it will be sold at once, and shall sell it accordingly by public auction unless the amount mentioned in the warrant is forthwith paid.

(2) If the warrant is not in the meantime suspended by the Chief Executive Officer, or discharged, the property seized shall, after the expiry of the period named in the notice served under sub-section (2) of section 103, be sold by public auction by order of the chief Executive Officer.

(3) For every distraint made under this Chapter a fee of such amount, not exceeding two hundred rupees, as shall in each case be fixed by the Chief Executive Officer shall be charged, and the said fee shall be included in the costs of recovery.

105. Attachment and sale of immovable property: (1) when a warrant is issued for the attachment and sale of immovable property, the attachment shall be made by an order prohibiting the defaulter from transferring or charging the property in any way, and all person from taking any benefit from such transfer or charge, and declaring that such property would be sold unless the amount of tax due with all costs of recovery is paid in the office of the Board within fifteen days from the date of attachment.

(2) An order under sub-section (1) shall be displayed at some place on or adjacent to such property by pasting the same conspicuously and by publishing the same in a newspaper having circulation in the area in which the property is situated or by any other means or mode as may be considered appropriate by the Chief Executive Officer.

(3) Any transfer of or charge on the property attached or any interest thereon made without the written permission of the Chief Executive Officer shall be void as against all claims of the Board enforceable under the attachment.

(4) Where the sum due to the Board with the cost incurred by the Board in the sale of the property, including publication of notice in newspaper and a sum equal to five per cent of the purchase money for payment to the purchaser is paid by the defaulter, before the confirmation of

the sale under sub-section (5), the attachment, if any, of the immovable property shall be deemed to have been removed.

(5) After the sale of the property by auction as aforesaid, it shall be confirmed in writing by the Chief Executive Officer who shall put the person declared to be the purchaser in possession of the same and shall grant him a certificate to the effect that he has purchased the property to which the certificate refers.

(6) The Central Government may make rules for---

(a) Regulating the manner of execution of warrants for the attachment and sale of immovable property;

(b) Charging of fees for the attachment and sale of immovable property, to be included in the cost of recovery of the tax due;

(c) Summary determination of any claim made by any person than the person liable for the payment of any tax, in respect of any property attached I execution of warrant under this section.

106. Recovery from a person about to leave cantonment and refund of surplus Sale of proceeds, if any : (1) If the Chief Executive Officer has reason to believe that any person form whom any sum is due or is about to become due on account of any tax is about to move from the cantonment, he may direct the immediate payment by such person of the sum so due or about to become due, and cause a notice of demand for the same to be served on such person.

(2) If, on the service of such notice, such person does not forthwith pay the sum so due or about to become due, the amount shall be livable by distress and sale of movable property or attachment and sale of immovable property in the manner hereinbefore provided in this chapter, and the warrant of such distress and sale or attachment and sale may be issued and executed without any delay.

(3) The surplus of the sale proceeds arising out of section 104, section 105 and this section, if any, shall immediately after the sale of the property, be credited to the cantonment fund, and the notice of such credit shall immediately be given to the person whose property has been sold, or to his legal representative and, if such money is claimed, within a period of one year from the date of notice, a refund thereof shall be made to the said person or his representative.

(4) Any surplus of the sale proceeds not claimed within one year as aforesaid shall be the property of the board.

107. Power to institute suit for recovery: Instead of proceeding against a defaulter by distress and sale of movable property or attachment and sale of immovable property as hereinbefore provided in this chapter, or after a defaulter has ben so proceeded against unsuccessfully or with only partial success, any sum due or the balance of any sum due, as the case may be, from such defaulter on account of a tax may be recovered from him by a suit in any court of competent jurisdiction.

Special provision relating to taxation, etc.

108. Board to be a Municipality for taxation purposes: A Board shall be deemed to be a municipal committee for the purposes of taxation as per the Municipal Taxation Act, 1881(11 of 1881).

109. Payment to be made to a Board as service charges by central government or State Government: The central or the State Government, as the case be, shall pay to a Board annually service charges for providing collective municipal services or development work in a cantonment where the Central or the State Government properties are situated as worked out by the Board based on the guidelines issued in this behalf by the central Government or the State Government.

110. Power to make special provisions for conservancy in certain cases: A Board may make special provisions for the cleansing of any factory, hotel club or group of building or lands used for any one purpose and under one management, and may fix a special rate and the dates and other conditions for periodical payment thereof, which shall be determined by a written agreement with the person liable for payment of the conservancy or scavenging tax in respect of such factory hotel, club or group of buildings or lands:

Provided that, in fixing the amount, proper regard shall be had to the probable cost to the Board of the services to be rendered.

111. Exemption in case of buildings: (1) When in pursuance of section 110, a Board has fixed a special rate for the cleansing of any factory; hotel, club or group of building or lands, such premises shall be exempted from the payment of conservancy or scavenging tax imposed in the cantonment.

(2) The following buildings and lands shall be exempt from any property tax other than tax imposed to cover the cost of specific services rendered by the Board, namely: -

(a) place set apart for public worship and either actually so used or used for no other purpose and rendering services free of cost without deriving any income whatsoever;

(b) Building used for educational purposes, public libraries, play grounds and dharamshalas which are open to the public and from which no income is derived;

(c) Hospitals and dispensaries maintained wholly be charitable contributions;

(d) Burning and burial grounds, not being the property of the government or a Board, which are controlled under the provisions of this Act;

(e) Buildings or lands vested in a board; and

(f) Any buildings or lands, or portion of such buildings or lands, which are the property of the Government.

112. General Power of exemption: The central Government may, by notification I the Official Gazette, exempt, either wholly or in part from the payment of any tax imposed under this Act, any person or class of persons or any property or goods or class of property of goods.

113. Exemption of poor persons: A Board may exempt, for a period not exceeding one year at a time from the payment of any tax, or any portion of a tax imposed under this Act, any person who in its opinion is by reason of poverty unable to pay the same.

114. Composition: (1) The Board may, with the previous sanction of the General Commanding Officer-in-Chief, the Command, allow nay person to compound for any tax.

(2) Every sum due by reason of the composition of a tax under sub-section (I) shall be recoverable as if it were a tax.

115. Irrecoverable debts : The Board may write off any sum due on account of any Tax or rate or of the costs of recovering any tax or rate if sum is, in its opinion, irrecoverable:

Provide that, where the sum written off in favour of any one person exceeds two thousand and five hundred rupees, the sanction of the General Officer Commanding-in-chief, the Command Shall be first obtained.

116. Obligation to disclose liability: (1) The Chief Executive Officer, may, by written notice, call upon any Inhabitant of the cantonment to furnish such information as may be necessary for the purpose of ascertaining—

(a) Whether such Inhabitant is liable to pay, or has correctly paid, any tax imposed under this Act;

(b) At what amount he should be assessed; or

(c) The annual value of the building or land which he occupies and the name And address of the owner or lessee thereof.

(2) If any person, when called upon under sub-section

(1) To furnish information, neglects to furnish it within the period specified in this behalf by the Chief Executive Officer or furnishes information which is not true to the best of his knowledge or belief ,he shall be punishable with fine which may extend to five thousand rupees and shall also be liable to be assessed at such amount on account of tax as the Chief Executive Officer may deem praper, and the assessment so made shall, subject to the provisions of this Act, be final.

117. Immaterial error not to affect liability: No assessment and no charge or demand on account of any tax or fee shall be impeached or affected by reason only of any mistake in the name of any person liable to pay such tax or fee, or in the description of any property or thing, or any mistake in the amount of the assessment, charge or demand, if the directions contained in this Act and

the rules and bye-laws made thereunder have in substance and effect been complied with; but any person Who sustains any special damage by reason of any such mistake shall be entitled to recover such compensation for the same, as the Board may decide.

118. Distaraint not to be invalid by reason of immaterial defact: No distress levied or attachment made under this chapter shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on accunt only of any defect of from in the notice of demand, warrant of distress or attachment and sale or other proceeding relating thereto; nor shall any such person be deemed a trespasser ab initio on account of any irregularity afterwards committed by him; but any person who sustains any special damage by reason of any such irregularity shall be entitled to recover such compensation for the same, as the Board may decide.

CHAPTER VI

CANTONMENT FUND AND PROPERTY

Cantonment fund and cantonment development fund

119. Cantonment fund and cantonment development fund: (1) There shall be formed for every cantonment a cantonment fund and there shall be placed to the credit thereof the following sums,namely:-

(a) the balace if any, of the cantonment fund formed for the cantonment under the Cantonment Act, 1924;(2 of 1924)

(b) all sums received by or on behalf of the Board.

(2) There shall also be formed for every Cantonment, a Cantonment Development fund and there shall be placed to the credit, thereof the Following sums,namely:-

(i) any sum received from Central Government or the Government of any State by way of contributions, grants, subsidies or by any other way for the implementation of any specific scheme or for the execution of any specific project;

(ii) any sum received from any individual or association of individual by way of gift or deposit; and

(iii) any sum raised or borrowed under section 121 for the execution of specific Development projects.

120. Custody of cantonment fund and cantonment development fund: (1) The Cantonment fund and the Cantonment development fund shall be kept in separate accounts which shall be maintained in state Bank of India or any of its subsidiary banks or any nationalized bank or any Scheduled commercial bank having its branch either in the Cantonment or in the Municipal area adjoining the Cantonment.

Explanation: In the section,

(i) “nationalized book” means corresponding new bank specified in the First Schedule to the banking Companies (Acquisition and Transfer of Undertaking) Act,1970 5 of 1970 or the Banking compaies Acquisition and Transfer of under taking Act, 1980, (40 of 1980)

(ii) “State bank of India” means the State Bank of India constituted under the State Bank of India Act, (23 of 1955)

(iii) “Subsidiary bank” means a Subsidiary bank as defined in the State Bank of India (Subsidiary bank)Act,1959.(38 of 1959)

(2) The Chief Executive Officer may the previous sanction of the President Cantonment Board may invest any portion of cantonment fund or cantonment development fund in securities of Central Government or in such securities, including fixed deposits in banks in the interest of the Board and may dispose of such investments or vary them for others of a like nature.

(3) The income resulting from any fixed deposit or from any such securities-as is referred to in sub-section (2) or from the proceeds of the sale of any such security shall be credited to the cantonment fund or, as the case may be, the cantonment development fund.

(4) Every action taken under sub-sections (2) and (3) may be subsequently brought to the next meeting of the Board.

121. Power of Board to borrow money: A Board may from time to time by a resolution passed in this behalf borrow money from another Board, on mutually agreeable terms any sum of money which may be required for the schemes or projects covered under this Act.

122. Property: Subject to any special reservation made by the Central Government all property of the nature hereinafter in this section specified which has been acquired or provided or is maintained by a Board shall vest in and belong to that Board, and shall be under its direction, management and control, that is to say, --

(a) All markets, slaughter-houses, manure and night-soil depots, and buildings of every description;

(b) all water-works for the supply, storage or distribution of water for public purposes and all bridges, buildings, engines, materials, and things connected therewith or appertaining thereto;

(c) all sewers, drains, culverts and water-courses, and all works, materials and things appertaining thereto;

(d) all dust, dirt, dung, ashes, refuse, animal matter, filth and rubbish of every kind, and dead bodies of animals collected by the Board from the streets, houses, privies, sewers, cesspools or elsewhere, or deposited in places appointed by the Board for such purposes;

(e) all lamps and lamp-posts and apparatus connected therewith or appertaining thereto;

(f) all lands or other property transferred to the Board by the Central or a State Government, or by gift, purchase or otherwise for local public purposes; and

(g) all streets and the pavements, stones and other materials thereto, and also all trees, erections, materials, implements, and things existing on or appertaining to streets.

123. Application of cantonment fund, cantonment development fund and property: The cantonment fund, cantonment development fund and all property vested in a Board shall be applied for the purpose, whether express or Implied, for which, by or under this Act or any other law for the time being in force, power are conferred or futies or obligations are inposed upon the Board:

(a) with the sanction of the Central Government ,and

(b) on such terms and conditions as the Central Government may impose:

Provided further that priority shall be given in the order hereinafter set forth to the following liabilities and obligations of a Board, that is to say,--

(a) to the liabilities and obligations arising from a trust legally imposed upon or accepted by the Board;

(b) to the repayment of, and the payment of interest on, any loan incurred under the provisions of the Local Authorities Loan Act, 1914 or under the provisions of this Act.

(c) to the payment of establishment charges;

(d)to the payment of any sum the payment of which is expressly required by the provisions of this Act or any rule or byelaw made thereunder.

124. Acquisition of immovable property: When there is any hindrance to the permanent or temporary acquisition upon payment of any land required by a Board for the purpose of this Act, the Central Government May, on the recommendation of the Board, procure the acquisition thereof under the provisions of the Land Acquisition Act, 1894,(1of 1894) and, on payment by the Board of the compensation awarded under that Act and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the Board.

125. Power to make rules regarding cantonment fund, cantonment development fund and property: The Central Government may make rules consistent with this Act to provided for all or any of the following maters, namely:--

(a) the condition on which property may be acquired by Boards or on which property vested in a Board may be transferred by sale , mortgage, lease, exchange or otherwise; and

(b) any other matter relating to the cantonment fund or cantonment development fund or cantonment property, in respect of which no provision or insufficient provision is made by or under this Act and provision is, in the opinion of the Central Government necessary.

CHAPTER VII
CONTRACTS

126. Contracts by whom to be executed: Subject to the provision of this Chapter, every Board shall be competent to enter into and perform any contract necessary for the purpose of this Act.

127. Sanction: (1) Every contract—

(a) for which budget provision does not exist, or

(b) which involves a value or amount exceeding rupees fifty thousand shall require the sanction of the Board.

(2) Every contract other than a contract such as is referred to in sub- section (1) shall be sanctioned by the Chief Executive Officer on behalf of the Board.

128. Executive of contract: (1) Every contract made by or on behalf of a Board, the value or amount of which exceeds fifty thousand rupees, shall be in writing, and every such contract shall, be signed by two members, of whom the president or the Vice-President shall be one, and be countersigned by the Chief Executive Officer and be sealed with the common seal of the Board.

(2) Where the Chief Executive Officer executes a contract on behalf of the Board sanctioned under sub-section (2) of section 127, he shall submit a report, on the execution of the contract, to the Board at its next meeting.

129. Contracts improperly executed not to be binding on a Board: If any contract is executed by or on behalf of a Board, otherwise than in conformity with the provision of this Chapter, it shall not be binding on the Board

CHAPTER VIII
SANITATION AND THE PREVENTION AND TREATMENT OF DISEAE
Sanitary authorities

130. Responsibility for sanitation: The following officers shall, for the purpose of sanitation, have control over, and be responsible for maintaining in a sanitary condition, those parts of a cantonment, respectively, which are specified in the case of each, that is to say: --

(a) the Officer Commanding the army in the cantonment – all building and lands which are occupied or used for the army purposes;

(b) the Officer Commanding the navy in the cantonment – all building and lands which are occupied or used for naval purposes;

(c) the Officer Commanding the air force in the cantonment—all buildings and lands which are occupied or used for air force purposes;

(d) the Officer Commanding the station in the cantonment – all buildings and lands, occupied or used for any defence purpose, other than those referred to in clauses (a), (b) and (c);

(e) the head of any civil department or railway administration occupying as such any part of the cantonment – all buildings and lands in his charge as head of that department or administration;

(f) the head of any establishment or installation of the Defence Research and Development Organisation in the cantonment – buildings and lands which are occupied or used for the purpose of the Defence Research and Development Organisation in the cantonment;

(g) the head of a public Sector undertaking – the buildings and lands belonging to such undertaking in the cantonment;

(h) the Chief Executive Officer – the buildings and lands in the civil area of the cantonment and all other buildings and lands not covered in clauses (a) to (b) above.

131. General duties of Health Officer: (1) The Health Officer shall be the Advisor to the Board in all matters relating to sanitation and exercise a general sanitary supervision over the cantonment and shall periodically submit a report along with his recommendation at least once in every month to the Board.

(2) The Assistant Health Officer shall perform such duties in connection with the sanitation of the cantonment as are, subject to the control of the Board, allotted to him by the Health Officer.

Conservancy and sanitation

132. Public latrines, urinals and conservancy establishment: All public latrines, urinals provided or maintained by a Board shall be so constructed as to provide separate compartment for each sex and the compartment so constructed shall be made accessible to and barrier free for the persons with disabilities and shall be provided with all necessary conservancy establishments, and shall regularly be cleansed and kept in proper order.

133. Duty of occupier to collect and deposit rubbish, etc: (1) it shall be the duty of an occupier of a building or land-

(a) to make adequate arrangements for the house scavenging of the building or land;

(b) to provide receptacles of the type and in he manner prescribed by the Chief Executive officer for the collection therein of all filth, rubbish and other offensive matter from such building or land and to keep such receptacle in good condition and repair;

(c) to cause all filth, rubbish and other offensive matter collected in receptacles and to be removed and deposited in the public receptacles, depots or places provided or appointed under sub-section (1) of section 135.

(2) For the purpose of this section and section 134, "house scavenging" means the removal of filth, rubbish or other offensive matter from a privy, latrine, urinal, drain, cesspool or other common receptacle for such matter.

134. Power of Board to undertake private conservancy arrangement: (1) On the application or with the consent of the occupier of any building or land, or, where the occupier of any building or land fails to make arrangements to the satisfaction of the Chief Executive Officer for the matters referred to in this section, without such consent, and after giving notice in writing to the occupier, the Chief Executive Officer may undertake the house scavenging of any building or land in the cantonment for such period as he thinks fit on such terms as he may specify in this behalf.

(2) Where the Chief Executive Officer has undertaken the duties referred to in this section, all matter removed in the performance of such duties shall be the property of the Board.

135. Deposits and disposal of rubbish, etc: (1) Every Board shall provide or appoint, in proper and convenient situations, public receptacles, depots or places for the temporary deposit or disposal of household rubbish, offensive matter, carcases of dead animals and sewage.

(2) The Chief Executive Officer may, by public notice, issue directions as to the time at which, the manner in which, and the conditions subject to which, any matter referred to in sub-section (1) may be removed along a street or may be deposited or otherwise diposed of.

(3) All matter deposited in receptacles, deposts or places provided or appointed under this section shall be the property of the Board.

136. Cesspools, receptacles, for filth, etc: The Chief Executive Officer of any cantonment may, by notice in writing—

(2) Require any person having the control whether as owner, lessee or occupier of any land or building in the contonment

(i) to close any cesspool appertaining to the land or building which, in the opinion of the Chief Executive Officer, is a nuisance, or

(ii) to keep in a clean condition, in such manner as may be prescribed by notice, any receptacle for filth or sewage accumulating on the land or in a building, or

(iii) to prevent the water of any private latrine, urinal, sink or bathroom or any other offensive matter, from soaking, draining or flowing, or being put, from the land or building upon any street or other public place, or into any water-course or into any drain not intended for the purpose, or

(iv) To collect and deposit for removal by the conservancy establishment of the Board, within such time and in such receptacle or place, as may be specified in the notice, any offensive matter or rubbish which such person has allowed to accumulate or remain under, in or on such building or land; or

(a) Require any person to desist from making or altering any drain leading into a public drain; or

(b) Require any person having the control of a drain in the cantonment to cleanse, purify, repair or alter the same, or otherwise put it in good order, within such time as may be specified in the notice.

137. Filling up of tank, etc: (1) Where any well, tank, cistern, reservoir container, desert cooler or any other, receptacle or place in the cantonment where water is stored or accumulated, whether within any private enclosure or not, is in such a condition as to create a nuisance or, in the opinion of the Health Officer, is or is likely to be a breeding place for mosquitoes, the Board may, by notice in writing, require the owner, lessee or occupier thereof within such period as may be specified in the notice, to fill up or cover the well, cistern, reservoir or receptacle, or to fill up the tank to drain off or remove the water, as the case may be.

(2) The Board may from time to time take such measures as are necessary in its opinion for prevention of breeding of mosquitoes, insects or any bacterial or viral carriers of disease in public places under the control or management of the Board.

(3) The Board may, if it thinks fit, meet the whole or any portion of the expenses incurred in execution of work mentioned in sub-sections (1) and (2) of this section.

138. Provision of Latrines, ect: The Chief Executive Officer may, by notice in Writing, require the owner or lessee of any building or land in the cantonment to provide, in such manner as may be specified in the notice, any latrine, urinal, cesspool, dust-bin or other receptacle for filth, sewage, or rubbish, or any additional latrine, urinal, cesspool or other receptacle as aforesaid, which should, in his opinion, be provided for the building or land.

139. Sanitation in factories, Ect: Every person employing, whether on behalf of the Government or otherwise, more than ten workmen or laborers, and every person managing or having control of a market, school, theatre or other place of public resort, in a cantonment shall give notice of the fact to the Chief Executive Officer, and shall provide such latrines and urinals, and shall employ such number of sweepers, as the Chief executive Officer thinks fit, and shall cause the latrines and urinals to be kept clean and in proper order:

Provided that nothing in this section shall apply in the case of a factory to which the Factories Act 1948(63 of 1948) applies.

140. Private Latrines: Subject to the provisions of the Employment of Manual Scavenger and Construction of dry Latrine (Prohibition) Act, 1993, the Chief executive Office or any official of the Board authorized by him may, be notice in writing,--

(a) Require the owner or other person having the control of any private latrine, or, urinal in the cantonment not to put the same to public use; or

(b) Where any plan for the construction of private latrines or urinals has been approved, and copies thereof may be obtained free of charge on application-

(i) require any person repairing or constructing any private latrine or urinal not to allow the same to be used until it has been inspected by an official of the Board authorized by the Chief Executive Officer, or under the direction of the Health Officer and approved by him as conforming with such plan; or

(ii) require any person having control of any private latrine or urinal to re-build or alter the same in accordance with such plan; or

(c) require the owner or other person having the control of any such private latrine or urinal which, in the opinion of the Chief Executive Officer, constitutes a nuisance, to remove the latrine or urinal; or

(d) require any person having the control whether as owner, lessee or occupier of any land or building in the cantonment—

(i) to have any latrines provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighborhood, or

(ii) to cleanse in such manner as the Chief Executive Officer may specify in the notice any latrine or urinal belonging to the land or building;

(e) require any person being the owner and having the control of any drain in the cantonment to provide, within ten days from the service of the notice, such covering as may be specified in the notice.

141. Special provisions for collection of rubbish and solid waste management: (1) All solid waste material generated in a cantonment shall be removed be removed by the Board and be brought to the compost sites or sanitary land sites or trenching sites earmarked by it for the purpose.

(2) The board shall also devise schemes for collecting rubbish and garbage from each house in the cantonment and may, if considers necessary, associate residents' welfare associations or such other non-governmental organization for this purpose.

(3) As far as possible the Board shall devise appropriate system to ensure that all compostable or biodegradable waste in the cantonment is recycled and used for generating manure, biolgas or any other form of energy.

142. Removal of congested buildings: (1) Where it appears to a Board that any block of buildings in the cantonment is in an unhealthy condition by reason of manner in which the buildings are crowded together, or of the narrowness or closeness of the street, or of the want of proper drainage or ventilation, or of the impracticability of cleansing the buildings or other similar cause, it may cause the block to be inspected by a committee consisting of --

(a) the Health Officer,

(b) the Civil Surgeon of the district or, if his services are not available, some other medical officer in the service of the Government,

(c) the Executive Engineer or a person deputed by the Executive Engineer in this behalf, and

(d) two non-official members of the Board.

(2) The committee shall make a report in writing to the Board regarding the sanitary condition of the block, and if it considers that the condition thereof is likely to cause risk of disease to the inhabitants of the building or of the neighborhood or other wise to endanger the public health, it shall clearly indicate on a plan verified by the Executive Engineer or the person deputed by him to serve on the committee, the buildings which should in its opinion wholly or in part be removed in order to abate the unhealthy condition of the block.

(3) If, upon receipt of such report, the Board is of opinion that all or any buildings indicated should be removed, it may, by notice in writing, require the owners thereof to remove them:

Provided that the Board shall make compensation as it thinks fit to the owners for any buildings so removed which have been erected under proper authority.

Provided further that the Board may if it considers it equitable in the circumstances so to do pay to the owners such sum as it thinks fit as compensation for any buildings so removed which have not been erected under proper authority.

(4) For the purposes of this section "buildings" includes enclosure, walls and fences appertaining to buildings.

143. Overcrowding of dwelling houses: (1) Where it appears to a Board that any building or part of a building in the cantonment which is used as a dwelling house is so overcrowded as to endanger the health of the inmates thereof, it may, after such inquiry as it thinks fit, by notice in writing require the owner or occupier of the building or part thereof, as the case may be, within such time not being less than one month as may be specified in the notice, to abate the overcrowding of the same by reducing the number of lodgers, tenants, or other inmates to such number as may be specified in the notice

(2) Any person who fails, without reasonable cause, to comply with a requisition made upon him under sub-section (1) shall be punishable with fine which may extend to two thousand five hundred rupees, and in the case of a continuing offence, to an additional fine which may extend to two hundred fifty rupees for every day after the first during which the failure has continued.

144. Power to require repair or alteration of building: (1) Where any building in a cantonment is so ill-constructed or dilapidated as to be, in the opinion of the Board, in an insanitaty state, the Board may, by notice in writing, require the owner, within such time as any be specified in the notice, to execute such repairs or to make such alteration as it thinks necessary for the purpose of removing such defects.

2) A copy of every notice issued under sub-section (1) shall be conspicuously pasted on the building to which it relates.

3). A notice issued under sub-section (1) shall be deemed to have been complied with, if the owner of the building to which it relates has, instead of executing the; repairs or making the alterations directed by the notice, removed the building.

145. Power to require land or building to be cleansed : (1) If any building or land, whether tenantable or other wise, is –

(i) In an insanitaty, filthy or unwholesome state; or

(ii) In the opinion of the Chief Executive Officer, a nuisance to persons residing in the neighbourhood; or

(iii) Over grown with prickly-pear or rank and noisome vegetation the Chief Executive Officer may, by notice in writing, require the owner, lessee, or occupier of such building or land to clean, lime-wash internally or exeternally, clear, or otherwise put such building or land in a proper state within such period as may be specified in the notice.

(2) Any person who fails to comply with the notice issued under sud-section (1) shall punishable with fine which may extend to five thousand rupees, and in the case of a continuing offence, with an additional fine which may extend to two hundred fifty rupees for each day after the first during which the offence continues.

146. Prohibition in respect of air pollutant: No owner, occupier, lessee or any other occupant of the premises shall allow or cause to be allowed any air pollutant above the standards, laid down under clause (g) of sub-section (1) of section 17 0f the Air (Prevention and Control Pollution) Act, 1981 (14 of 1981).

147. Power to order disuse of house: If a Board is satisfied that any building in the cantonment which is intended for or used as a dwelling place is unfit for human habitation, it may cause a notice to be pasted on some conspicuous part of the building prohibiting, the owner or occupier thereof from using the building or room for such use to the satisfaction of the Board.

148. Removal of noxious vegetation: The Chief Executive Officer may, by notice in writing, require the owner, lessee, or occupier of any land in the cantonment to clear away and remove any thick or noxious vegetation or undergrowth which appears to him to be injurious to health or offensive to persons residing in the neighborhood.

149. Agriculture and irrigation: Where, in the opinion of a Board, the cultivation in the cantonment of any description of crop or the use therein of any kind of manure or the irrigation of any land therein in any specified manner is likely to be injurious to the health of persons dwelling in the neighborhood, the Board may, by public notice, prohibit such cultivation, use or irrigation after such date as may be specified in the notice, or may, by a like notice, direct that it shall be carried out subject to such conditions as the Board thinks fit:

Provided that if, when a notice is issued under this section, any land to which it relates has been lawfully prepared for cultivation or any crop is sown therein or is standing thereon, the Board shall, if it directs that the notice is to take effect on a earlier than that by which the crop would ordinarily be sown or reaped, as the case may be, make compensation to all persons interested in the land or crop for the loss, if any, incurred by them respectively by reason of compliance with the notice.

Burial and burning grounds

150. Power to call for information regarding burial and burning grounds: The Chief Executive Officer may by notice in writing, require the owner or person in-charge of any burial or burning ground in the cantonment to supply such information as may be specified in the notice concerning the condition, management or position of such ground.

151. Permission for use of new burial or burning ground: (1) No place in a cantonment which has not been used as a burial or burning ground before the commencement of this Act shall be so used without the permission in writing of the Board.

(2) Such permission may be granted subject to any conditions which the Board thinks fit to impose for the purpose of preventing annoyance to, or danger to the health of, persons residing in the neighbour hood.

152. Power to require closing of burial or burning ground: (1) Where a Board, after making or causing to be made local inquiry, is of opinion that any burial or burning ground in the cantonment has become offensive to, or dangerous to the health of, persons living in the neighbourhood, it may, with the previous sanction of the Central Government by notice in writing, require the owner or person in charge of such ground to close the same from such date as may be specified in the notice.

(2) where the Central Government sanctions the issue of any notice under sub-section (1) it shall declare the conditions on which the burial or burning ground may be reopened, and a copy of such declaration shall be annexed to the notice.

(3) where the Central Government sanctions the issue of any such notice, it shall require a new burial or burning ground to be provided at the expense of the cantonment. Fund, or, if the community concerned is willing to provide a new burial or burning ground, the Central Government shall require a grant to be made from the cantonment fund towards the cost of the same.

(4) no corpse shall be buried or burnt in any burial or burning ground in respect of which a notice issued under this section is for the time being in force.

153. Exemption from operation of section 150 to 152: - The provisions of section 150, 151 and 152 shall not apply in the case of any burial ground which is for the time being managed by or on behalf of the Government.

154. Removal of corpses: The Board may, by public notice, prescribe routes in the cantonment by which alone corpses may be removed to burial or burning ground.

Prevention of infectious, contagious or communicable diseases

155. Obligation concerning infectious contagious or communicable diseases: (1) Any person being in charge of, or in attendance, whether as a medical practitioner or otherwise, upon any person in a cantonment whom he knows or has reason to believe to be suffering from a contagious, communicable infectious diseases, or being the owner, lessee or occupier of any building in a cantonment in which he knows that any person is so suffering, shall forthwith give information to the Board respecting the existence of such disease.

(2) No person shall---

(a) knowing that he is suffering from a contagious, communicable or an infectious diseases, expose other persons to the risk of infection by his presence or conduct in any public street or public place;

(b) having the care of a person whom he knows to be suffering from a contagious, communicable or infectious diseases cause or permit that person to expose other persons to the risk of infection by his presence or conduct in any such street or place as aforesaid;

(c) place or cause to be placed in a dustbin or other receptacle for the deposit of rubbish any matter which he knows or has reason to believe to have been exposed to infection from a contagious, communicable or an infectious diseases and which has not been disinfected properly.

(d) throw or cause to be thrown into any latrine or urinal any matter, which he knows or has reason to believe to have been exposed to infection from a contagious, communicable or an infectious diseases and which has not been disinfected properly.

(3) Nothing contained in sub-section (1) or sub-section (2) shall apply in the case of venereal disease where the person suffering there from is under specific and adequate medical treatment and is by reason of his habits and conditions of life and residence unlikely to spread the disease.

Whoever---

a) fails to give information or gives false information to the Board respecting the existence of such disease as is referred to in sub-section (1), or

b) Contravenes the provisions of sub-section (2), shall be punishable with fine which may extend to one thousand rupees:

Provided that no person shall be punishable for failure to give information if he had reasonable cause to believe that the information had already been duly given.

156. Blood bank: Subject to the provisions of any Act made in this regard and the rules and regulations made hereunder, whoever, being in charge of a bold bank or any other establishment which collects or supplies blood, plasma, marrow or any other substance for transfusion or treatment of patients or for any other medical use, fails to take adequate precautions or exercise adequate supervision thereby leading to or resulting in the supply of infected or contaminated blood, plasma, marrow or any other substance, shall be punishable with imprisonment which may extend to five years or with fine which may extend to one lakh rupees or with both.

157. Special measures in case of outbreak of infectious or epidemic diseases: (1) In the event of a cantonment being visited or threatened by an outbreak of any infectious or contagious disease among the inhabitants thereof or of any epidemic disease among any animals therein, the Officer Commanding the Station, if he thinks that the provisions of this Act or of any law for the time being in force in the cantonment are insufficient for the purpose, may with the previous sanction of the Central Government---

(a) take such special measures, and

(b) by public notice, make such temporary regulations to be observed by the public or by any class or section of the public, as he thinks necessary to prevent the outbreak or the spread of the disease:

Provided that where in the opinion of the Officer Commanding the Station, immediate measures are necessary, he may take action without such sanction as aforesaid and, if he does so, shall forthwith report such action to the Central Government.

(2) Whoever commits a breach of any temporary regulation made under sub-section (1) shall be deemed to have committed an offence under section 188 of the Indian Penal Code(45 of 1860).

158. Power to require names of dairyman's customers : Where it is certified to the Chief executive Officer by a medical practitioner that the outbreak or spread of any infectious or contagious disease in the cantonment is, in the opinion of such medical practitioner, attributable to the milk supplied by any dairyman, the chief Executive Officer may, by notice, in writing, require the dairyman, within such time as may be specified in; the notice, to furnish him with a full and complete list of the names and addresses of all his customers within the cantonment, or to give him such information as will enable him to trace the persons to whom the dairyman has sold milk.

159. Power to require names of a waterman's customers: Where it is certified to the Chief Executive Officer by the Health Officer that it is desirable. With a view to prevent the spread of any infectious or contagious disease in the cantonment, that the Health Officer should be furnished with a list of the customers of any washerman, the Chief Executive Officer may, by notice in writing, require the washerman, within in a time to be specified in the notice to furnish the Health Officer with a full and complete list of the names and addresses of all owners within the cantonment of clothes and other articles which the washerman washes or has washed during the six weeks immediately preceding the date of the notice.

Explanation: For the purposes of this section, the expression"washerman" shall mean an individual, body corporate, association of persons engaged in washing clothes in a cantonment.

160. Power to require names of patients or customers of a medical practitioner or paramedical workers : Wherre it is certified to the Chief Executive Officer by the Health Officer or a doctor in the employment of the Board that there is apprehension of the outbreak or spreading of any infectious or contagious or communcable disease in the cantonment because of use of contaminated needles, syringes or any other such equipment by a medical practitioner or by paramedical worker, the Chief Executive Officer may, by notice in writing, require the medical practitioner or the paramedical worker, within such time as may be specified in the notice, to furnish him with a full and complete list of the names and addresses of all his customers or patients within the cantonment, or to give him such information as will enable him to trace the persons whom the medical practitioner or the paramedical worker has attended to or traeted in the six weeks preceding the date of issuing the notice.

161. Report after inspection of dairy or washeman or medical practitioner's place of business : Where, after inspection the Health Officer is of opinion that any infectious, contagious or

communicable disease is caused or is likely to arise in the cantonment from the consumption of the milk supplied from a dairy or from the washing of clothes or other articles in any place, or from any process employed by a washerman, or from use of contaminated needles, syrings or other such equipment by a medical practitioner or any paramedical staff, he shall report the matter to the Chief Executive Officer.

162. Action on report submitted by Health Officer : Upon receipt submitted by the Health Officer under section 161, the Chief Executive Officer may, by notice in writing.-

(a) prohibit the supply of milk from the dairy until the notice has been withdeawn; or

(b) prohibit the washerman from washing clothes or other articles in any such place or by any such process as aforesaid until the notice has been withdrawn or unless he uses such place in such manner , or washes by process, as the Chief Executive Officer may direct in the notice; or

(c) prohibit the medical practitioner or the paramedical worker from using any such needles, syringes or other such equipment unless the notice is withdrawn or rectification as may be required in the notice is carried out.

163. Examination of milk, washed clothes or needles, syringes, etc : The Health Officer or a doctor in the employment of the Board may take possession of any milk, clothes or other articles which are or have recently been in the possession of any dairyman on whom a notice has been served under section 158, or of any clothes or other articles which are or have ecently been in the possession of any washerman, on whom a notice has been served under section 159, or any needles, syringes or such other equipment which are or have recently been in the possesion of the medical practitioner or paramedical worker to whom a notice under section 160 has been issued and may subject the same or cause the same to be subjected to such chemical or other process as he may think necessary; and the Board shall pay from the cantonment fund all the costs of the process and shall also pay to the owner of the milk, clothes or other articles such sum as compensation for any loss occasioned by such process as may appear to it be resonable.

164. Contamination of public conveyance : Whoever in a cantonment-

(a) uses a public conveyance while suffering from an infectious or contagious disease, or

(b) uses a public conveyance for the carriage of a person who is suffering from any such disease, or

(c) uses a public conevcyance for the carriage of the corpse of a person who has died from any such disease.

shall be bound to take proper precautions against the communication of the disease to other persons using or who may thereafter use the conveyance and to notify such use to the owner, driver or person incharge of the conveyance, and further to report without delay to the Chief Executive Officer the number of the conveyance and the name of the person so notified.

165. Disinfection of public conveyance : (1) Where any person suffering from, or the corpse of any person who has died from, an infectious, communicable or contagious disease has been carried in a public conveyance which ordinarily plies in a cantonment, the driver thereof shall forthwith report the fact to the Chief Executive Officer who shall forthwith cause the conveyance to be disinfected if that has not already been done.

(2) No such conveyance shall be brought again into use until the Chief Executive Officer has granted a certificate stating that it can be used without causing risk of infection.

166. Penalty for failure to report : Whoever fails to make to the Chief Executive Officer any report which he is required to make by section 164 or section 165 shall be punishable with fine which may extend to one thousand rupees.

167. Driver of conveyance not bound to carry person suffering from infectious or contagious disease : Notwithstanding anything contained in any law for the time being in force, no owner, driver or person incharge of a public conveyance shall be bound to convey or to allow to be conveyed in such conveyance in or in the vicinity of a cantonment any person suffering from an infectious or contagious disease or the corpse of any person who has died from such disease unless and until such person pays or tenders a sum fixed by the Chief Executive Officer from time to time, to cover any loss and expense which would ordinarily be incurred in disinfecting the conveyance.

168. Disinfection of building or articles therein : Where a Board is, upon the advice of the Health Officer, of opinion that the cleansing and disinfection of any building or part of a building in the antonment or of any articles in any such building or part which are likely to retain infection, or the renewal of the flooring of any such building or part of such building, would tend to prevent or check the spread of any infectious or contagious disease, the Board may by notice in writing, require the owner or occupier to cleanse and disinfect, the said building, part or articles, as the case may be, or to renew the said flooring within such itme as may be specified in the notice:

Provided that where, in the opinion of the Board the owner of occupier is from poverty or any other cause unable effectually to carry out any such requistion the Board may, at the expense of the cantonment fund, cleanse and disfect the building, part or articles, or as the case may be, reew the flooring.

169. Destruction of infectious hut or shed : (1) Where the destruction of any hut or shed in a cantonment is, in the opinion of the Board, necessary to pravent the spread of any infectious or contaguois disease, the Board may, by notice in writing, require the owner to desorty the hut or shed and the materils thereof within such time as may be specified in the notice.

(2) Where the President of a Board is satisfied that the destruction of any hut or shed in the cantonment is immediately necessary for the purpose of preventing the spread of any infectious or contagious disease, he may order the oner or occupier of the hut or shed to destyor the same forthwith, or may himself cause it to be destroyed after giving not less than two hours' notice to the owner or occupier thereof.

(3) The Board shall pay compensation to the owner of any hut or shed destroyed under this section.

170. Temporary shelter for inmates of disinfected or destroyed building or shed : The Board shall provide free of charge temporary shelter or house accommodation for the members of any family in which an infectious or cntagious disease has appeares who have been compelled to leave their dwelling by reason of any proceedings taken under section 168 or section 169, and who desire such shelter or accommodation as aforesaid to be provided for them.

171. Disinfection of building before letting the same: (1) Where in a cantonment any building or part of a building is intended to be let, in which any person has, within six weeks immediately preceding, been suffering from an infectious or contagious disease, the person letting the building or part shall before doing so disinfect the same in such manner as the Chief Executive Officer may, by public or special notice, directs, together with all articles therein liable to retain infection.

(2) For the purpose of this section, the keeper of a hotel, lodging house or sarai shall be deemed to let to any person who is admitted as a guest therein that part of the building in which such person is permitted to reside.

172 .Disposal of infected article without disinfection: No person shall, without previous disinfection of the same, give, land, sell transmit or otherwise dispose of another person any article or thing which he knows or has reason to belived has been exposed to contimenation by any infections or contagious disease and is likely to be used in or taken into a cantonment.

173. Means of disinfection: of (1) Every Board shall-

(a) provide proper places with necessary attendants and apparatus for the disinfection of conveyances clothing, bedding or other articles which have been exposed to infection;

(b) cause conveyances, clothing or other articles brought for disinfection to be disinfected either free of charge or on payment of such charges as the Chief Executive Officer may fix.

(2) The Chief Executive Officer may notify places at which articles of clothing, bedding, conveyances or other articles which have been exposed to infection shall be washed, and, if it does so, no person shall wash any such thing at place not so notified without having previously disinfected such thing.

(3) Chief Executive Officer may direct the destruction of any clothing, bedding or other article in the cantonment likely to retain infection, and may give such compensation as he think fit for any article so destroyed.

174. Making or selling of food, etc, or washing clothes by infected person: Whoever, while suffering from, or in circumstances in which he is likely to spread, any infectious or contagious disease, ---

(a) makes, carries or offers for sale in a cantonment or takes any part in the business of making, carrying or offering for sale therein any article of food or drink or any medicine or drug for human consumption, or any article of clothing or bedding for personal use or wear, or

(b) takes any part in the business of the washing or carrying of clothes, shall be punishable with fine which may extend to five thousand rupees.

175. Power to restrict or prohibit sale of food or drink: When a cantonment is visited or threatened by an outbreak of any infectious or contagious disease, the Chief Executive Officer on behalf of the Board may, by public notice, restrict in such manner or prohibit for such period, as may be specified in the notice, the sale or preparation of any article of food or drinke for human consumption specified in the notice or the sale of any flesh af any description of animals so specified.

176. Control over wells, tanks, etc: (1) If the Chief Executive Officer on the advice given by the Health Officer is of opinion that the water in any well, tank or other place is likely, if used for drinking, to endanger, or cause the spread of, any disease, it may,---

(a) by public notice, prohibit the removal or use of such water for drinking;

(b) by notice in writing, require the owner or person having control of such well, tank or place to take such steps as may be directed by the notice to prevent the public from having access to or using such water; or

(c) take such other steps as it may consider expedient to prevent the outbreak or spread of any such disease.

(2) In the event of a cantonment or any part of a cantonment being visited or threatened by an outbreak of any infectious or contagious disease, the Health Officer or any person authorized by him in this behalf may, without notice and at any time, inspect and disinfect any well, tank or other place from which water is, or is likely to be, taken for the purposes of drinking, and may further take such steps as he thinks fit to ensure the purity of the water or to prevent the use of the same for drinking purposes.

177. Disposal of infectious corpse: Where any person has died in a cantonment from any infectious or contagious disease, the Chief Executive Officer, may, by notice in writing, ---

(a) require any person having charge of the corpse to convey the same to a mortuary, thereafter to be disposed of in accordance with law; or

(b) prohibit the removal of the corpse from the place where death occurred except for the purpose of being buried or burned or of being conveyed to a mortuary.

Hospitals and dispensaries

178. Maintenance or aiding of hospitals or dispensaries: (1) A Board may---

(a) provide and maintain either within or without the cantonment as many hospital and dispensaries as it thanks fit; or

(b) make, upon such terms as it thinks fit to impose, a grant-in-aid to any hospital or dispensary or veterinary hospital, whether within or without the cantonment, not maintained by it.

(2) Every hospital or dispensary maintained or aided under sub-section (1) shall have attached to it a ward or wards for the treatment of persons suffering from infectious or contagious diseases.

(3) The Medical Officer appointed by the Board shall be incharge of every Hospital and dispensary maintained or aided under this section and be responsible to the Health Officer for medical activities and to the Chief Executive officer forover all adminstrative activities of the hospital.

179. Medical supplies, appliances, etc: (1) every hospital or dispensary maintained or aided under section 178 shall be maintained in accordance with any general or special orders of the Central Government for the conduct of hospitals and dispensaries or in accordance with the said orders modified in such manner as the Central Government may think fit.

(2) The Board shall cause every such hospital or dispensary to be provided with all requisite drugs, instruments, apparatus, furniture and appliances and with sufficient cots, bedding and clothing for in-patients.

180. Free patients: At every hospital or dispensary maintained or aided under section 178, the sick poor of the cantonment, and other inhabitants of the cantonment suffering from infectious, communicable or contagious disease, and, with the sanction of the Board, any other sick persons, may receive medical or surgical treatment free of cost, and, if treated as in-patients, shall be either dieted gratuitously or, if the medical officer in charge so directs, shall be granted subsistence allowance on such scale as the Board may fix.

181. Paying patients: Any sick person who is ineligible to receive medical or surgical treatment free of cost in any hospital or dispensary under section 180 may be admitted for treatment therein upon such terms as the Board thinks fit.

182. Power to order person to attend hospital or dispensary: (1) If the Health Officer or the Medical officer in charge of a hospital or dispensary maintained or aided under section 178 has reason to believe that any person living in the cantonment is suffering from an infectious, communicable or contagious disease, he may, by notice in writing, call upon such person to attend for examination at any such hospital or dispensary at such time as may be specified in the notice and not to quit it without the permission of the Medical Officer in charge; and, on the arrival of such person at the hospital or dispensary, the Medical officer in charge thereof may examine him for the purpose of satisfying himself whether or not such person is suffering from an infectious, communicable or contagious disease:

Provided that, if, having regard to the nature of the disease or the condition of the person suffering therefrom, or the general environment and circumstances of such person, the Health Officer or Medical Officer, as the case may be, considers that the attendance of such person at a hospital or dispensary is likely to prove unnecessary or inexpendient, he shall examine such person at such person's own residence.

(2) If any person on examination under sub-section (1), is found to be suffering from an infectious or contagious disease, the Health Officer or Medical Officer, as the case may be, may cause him to be detained in hospital until he is free from the infection or contagion:

Provided that, if having regard to the nature of the disease or the condition of the person suffering therefrom, or the general environment and circumstances of such person, he considers that the detention of such person at a hospital or dispensary is unnecessary or inexpedient, he shall discharge such person and take such measures or give such directions in the matter as he thinks necessary.

183. Power exclude from cantonment persons refusing to attend hospital or dispensary: (1) If the Health Officer or the Medical Officer in charge of a hospital or dispensary maintained or aided under section 178 reports in writing to the Officer Commanding the station that any person having received a notice under section 182 has refused or omitted to attend at the hospital or dispensary, specified in the notice, or that such person, having attend the hospital or dispensary, has quitted it without the permission of such Medical Officer, or that any person has failed to comply with any direction given to him under section 182, the Officer Commanding the station may, by order in writing, direct such person to be removed from the cantonment within twenty-four hours and not to re-enter it without his permission in writing.

(2) No person who has under sub-section (1) been ordered to be removed from and not to re-enter a cantonment shall enter any other cantonment without the written permission of the Officer Commanding the station.

Control of traffic for hygienic purposes

184.Routes for pilgrims and others: (1) A Board may provide or prescribe suitable routes for the use of persons passing through the cantonment ---

(a) on their way to or from fairs or places of pilgrimage or other places of public resort; or

(b) during times when an infectious or contagious disease is prevalent, and may, by public notice, require such persons as afore said to use such routes and no others.

(2) All routes provided or prescribed under sub-section (1) shall be clearly and sufficiently indicated by the Board.

Special conditions regarding essential services

185. Conditions of service of safai karamcharis and others: (1) No person employed in any service, or being employed in connection with the working of any system of public conservancy or sanitation or water supply or hospitals or dispensaries or electric supply or public transport services or such other essential services under a Board in any cantonment area, shall, in the absence of any contract, resign without reasonable cause or absent himself from duty without proper authority and in case of such resignation or absence from duty shall be punishable with imprisonment which may extend to one month; and the conditions of service specified herein shall, invariably be mentioned in the appointment letter of the persons employed to said services.

(2) The Central Government may, by notification in the Official Gazette, direct that on and from such date as may be specified in the notification, the provisions of this section shall apply in the case of any specified class of employees employed by a Board whose function intimately concern the public health or safety.

CHAPTER IX

Water-supply, Drainage and Sewage Collection

Water-supply

186. Maintenance of water-supply: (1) In every cantonment where a sufficient supply of potable water for domestic use does not exist, the Board shall provide or arrange for the provision of such a supply.

(2) The Board shall, as far as possible, make adequate provision that such supply shall be continuous throughout the year, and that the water shall be at all times fit for human consumption.

(3) It shall be the duty of every Board to practice and propagate the scientific methods of water harvesting including harvesting of rain water for use and make arrangement for recharging the sources of ground water including underground aquifers and to preserve rivers, streams, springs and other natural sources of water within and in the vicinity of the cantonment.

187. Terms of water-supply: In this chapter, unless the context otherwise requires, the following words and expression in relation to water supply shall have the respective meaning given below, namely:-

(1) “Communication pipe” means: -

(a) where the premises supplied with water about on the part of the street in which the main is laid, and the service pipe enters those premises otherwise than through the outer wall of a building abutting on the street and has a stopcock placed in those premises and as near to the boundary of that street as is reasonably practicable, so much of the service pipe as lies between the main and that stopcock;

(b) in any other case, so much of the service pipe as lies between the main and the boundary of the street in which the main is laid, and includes the ferrule at the junction of the service pipe with the main, and also,--

(i) Where the communication pipe ends at in a stopcock, that stopcock, and

(ii) Any stopcock fitted on the communication pipe between the end thereof and the main.

1) “Main” means a pipe laid by the Board for the purpose of giving a general supply of water as distinct from a supply to individual consumers and includes any apparatus used in connection with such a pipe.

2) “Service pipe” means so much of any pipe for supplying water from a main to any premises as is subject to water pressure from that main, or would be so subject but for the closing of some tap.

3) “Supply pipe” means so much of any service pipe as is not a communication pipe.

4) "Trunk main” means a main constructed for the purpose of conveying water from a source of supply to a filter or reservoir or from one filter or reservoir to another filter or reservoir, or for

the purpose of conveying water in bulk from one part of the limits of supply to another part of those limits, or for the purpose of giving or taking a supply of water in bulk.

5) " Water fittings" includes pipe (other than mains), taps, cocks, valves, ferrules, meters, cisterns, baths and other similar apparatus used in connection with the supply and use of water.

188. Board to carry out survey and formulate proposals:(1) The Board may, when so required, --

(a) carry out a survey of the existing consumption of and demand for water supplies in cantonment and of the water resources in or likely to be made available in the cantonment;

(b) prepare an estimate of the future water supply requirement of the contonment;

(c) carry out a survey of the existing quantity of sewage collection;

(d) Formulate proposals as to—

(i) the existing or future water supply requirement of the contonment;

(ii) the existing or future sewage collection requirement in contonment including proposals for the manner in which and the place or place at which sewage should be carried, collected and treated.

(2) If the Board is of the opinion that works and other properties for the time being vested in the Board, are inadequate for the purpose of sufficient supply of water or for the purpose of efficient collection of sewage under this Act it may take steps in accordance with the provisions of this Act for the construction of additional works, whether within cantonment or outside the cantonment with the approval of the Principal Director and for the acquisition of addition properties for such works.

189. Control over sources of public water-supply: (1) The Board may, with the previous sanction of the Central Government, by public notice, declare any lake, stream, spring, well, tank, reservoir or other source, whether within or without the limits of the cantonment other than a source of water-supply under the control and in use of the Military Engineer Services or the Public Works Department from which water is or may be made available for the use of the public in the cantonment to be source of public water-supply.

(2) Every such sources shall be under the control of the Board and it shall be the duty of the Board to preserve and maintain such source.

190. Power require maintenance or closing of private source of public drinking water-supply: The Chief Executive Officer amy, by notice, in writing, require the owner or any person having the control of any source of public water-supply which is used for drinking purposes—

(a) to keep the same in good order and to clear it from time to time of silt, refuse and decaying vegetation; or

(b) to protect the same from contamination in such manner as the Chief Executive Officer may direct; or

(c) if the water therein is proved to the satisfaction of the Chief Executive Officer to be unfit for drinking purposes, to take such measures as may be specified in the notice to prevent the public from having access to or using such water:

provided that, in the case of s well, such person as aforesaid may, instead of complying with the notice, signify in writing his desire to be relieved of all responsibility for the proper maintenance of the well and his readiness to place it under the control and supervision of the Board for the use of the public, and, if he does so, he shall not be bound to carry out the requisition, and the Board shall undertake the control and super-vision of the well.

191. Supply of water : (1) Subject to the guidelines made by the Board in this regard, the Chief Executive Officer may permit the owner, lessee or occupier of any building or land to connect the building or land with a source of public water-supply by means of communication pipes of such size and description as may be specified for the purpose of obtaining water for domestic use.

(2) The occupier of every building so connected with the water-supply shall be entitled to have for domestic use, in return for the water tax, if any, such quantity of water as the Chief Executive Officer may determine.

(3) All water supplied in excess of the quantity to which such supply is limited under sun-section (2) and, in a cantonment in which a water tax is not imposed, all water supplied under this section, shall be paid for at such rate as the Board may fix keeping in view its financial viability.

(4) The supply of water for domestic use shall not be deemed to include any supply for—

(a) animals or for washing vehicles where such animals or vehicle are kept for sale or hire;

(b) any trade, manufacture or business;

(c) fountains, swimming baths or any ornamental or mechanical purpose;

(d) gardens or for purpose of irrigation;

(e) making or watering roads or paths; or

(f) building purposes.

192. Power require water-supply to be taken: If it appears to the Chief Executive Officer that any building or land in the cantonment is without a proper supply of potable water, the Chief Executive Officer may, by notice in writing, require the owner, lessee or occupier of the building or land to obtain from a source of public water-supply such quantity of water, as is, adequate to the requirement of the persons usually occupying or employed upon the building or land, and to provide communication pipes of the prescribed size and description, and to take all necessary steps for the above purposes.

193. Supply of water under agreement: (1) Subject to the guidelines made by the Board in this regard, the Chief Executive Officer may, by agreement, supply, from any source of public water-supply, the owner, lessee or occupier of any building or land in the cantonment with any water for any purpose, other than a domestic purpose, on such terms and conditions, consistent with this Act and the rules and bye-laws made thereunder, as may be agreed upon between the Chief Executive Officer and such owner, lessee or occupier.

(2) The Chief Executive Officer may withdraw such supply or curtail the quantity thereof at any time if it should appear necessary to do so for the purpose of maintaining sufficient supply of water for domestic use by inhabitants of the cantonment.

194. Board liable for failure of supply: Not withstanding any obligation imposed on Boards under this Act, a Board shall not be liable to any forfeiture, penalty or damages for failure to supply water or for curtailing the quantity thereof if the failure curtailment, as the case may be, arises from accident or from drought or other unavoidable cause unless in the case of an agreement for the supply of water under section 193, the Board has made express provision for forfeiture, penalty or damages in the event of such failure or curtailment.

195.Conditions of universal application: Not withstanding any thing hereinbefore contained or contained in any agreement under section 193, the supply of water by a Board to any building or land shall be, and shall be deemed to have been granted subject to the following conditions, namely:-

(a)the owner, lessee or occupier of any building or land in or on which water supplied by the Board is wasted by reason of the pipes, drains or other works being out of repair shall, if he has knowledge thereof, give notice of the same to such officer as the chief Executive Officer may appoint inthis behalf;

(b) the Chief Executive Officer or any other officer or employee of the Board authorized by him in writing in this behalf may enter in to or on any premises supplied with water by the Board, for the purpose of examining all pipes, taps, works and fittings connected with the supply of water and of ascertaining whether there is any waste or misuse of such water

(c) the Chief Executive Officer may, after giving notice on writing, cut off the connection between any source public water-supply and any building or land to which water is supplied for purpose there from, or turn off such supply if—

(i) the owner or occupier of the building or land neglects to pay the water tax or water rate or other charge connected with the water supply with in one month from the date on which such tax or rate or charge falls due for payment;

(ii) the occupier refuses to admit the Chief Executive Officer or other authorised officer or employee of the Board into the building or land for the purpose of making any examination or inquiry authorized by clause (b) or prevents the making of such examination or inquiry;

(iii) the occupier willfully or negligently misuses or causes waste of water;
(iv) the occupier willfully or negligently injures or damages his meter or any pipe or tap conveying water from the water works;
(v) any pipes, taps, work or fittings connected with the supply of water to the building or land are found, on examination by any other officer ot employee of the Board authorized by the Chief Executive Officer in writing in this behalf, to be out of repair to such an extend as to cause waste of water;
(b) the expense of cutting off the connection or of turning off the water in any case referred to in clause (c) shall be paid by the owner or occupier of the buildings or land;
(c) no action taken under or in pursuance of clause (c) shall relieve any person from any penalty or liability which he may otherwise have incurred.

196. Supply to persons outside cantonment: A Board may allow any person not residing within the limits of the cantonment to take or be supplied with water for any purpose from any source of public water supply on such terms as it may prescribe, and may at any time withdraw or curtail such supply.

197.Penalty: Whoever—

(a) uses for other than domestic purpose any water supplied by a Board for domestic use; or

(b) where water is supplied by agreement with a Board for a specified purpose, uses that water for any other purpose shall be punishable with fine which may extend to two thousand five hundred rupees, and in addition, the Board shall be entitled to recover from him the cost of the water misused.

Water, drainage and other connections

198. Power of Board to lay wires, connections, etc: A Board may carry any cable, wire, pipe, drain, sewer or channel of any kind,--

(a) for the purpose of carrying out, establishing or maintaining any system of water-supply, lighting, drainage, or sewerage, through, across, under or over any road or street, or any place laid out or intended as a road or, street or, after giving reasonable notice in writing to the owner or occupier, into, through, across, under or over any land or building, or upside of any building situated within the cantonment; or

(b) for the purpose of supplying water or of the introduction or distributing of outflow of water or for the removal or outflow of sewage, after giving reasonable notice in writing to the owner or occupier, into, through, across, under or over any land or building, or up side of any building, situated outside the cantonment and may at all times do all acts and things which may be necessary or expedient for repairing or maintaining any such cable, wire, pipe, drain, sewer or channel in an effective state for the purpose for which the same may be used or is intended to be used:

Provided that no nuisance shall be caused in excess to what is reasonably necessary for the proper execution of the work:

Provided further that compensation shall be payable to the owner or occupier for any damage sustained by him which is directly occasioned by the carrying out of any such operation.

199. Wires, etc, laid above surface of ground: In the event of any cable, wire, pipe, drain, sewer or channel being laid or carried above the surface of any land or through, over or up side of any building, such cable, wire, pipe, drain sewer or channel shall be so laid or carried as to interfere as little as possible with the rights of the owner or occupier to the due enjoyment of such land or building, and compensation shall be payable by the Board in respect of any substantial interference with the right to any such enjoyment.

200. Connection with main not to be made without permission: No person shall, for any purpose whatsoever, without the permission of the Board at any time make or cause to be made any connection or communication with any cable, wire, pipe drain, sewer or channel contructed or maintained by, or vested in, a Board.

201. Power to prescribe ferrules and to establish meters, etc: The Chief Executive Officer may prescribe the size of the ferrules to be used for the supply of gas, if any, and may establish meters

or other appliances for the purpose of measuring the quantity of any water or gas or testing the quality thereof supplied to any premises by the Board.

202. Power of inspection: The ferrules, communication pipes, connections, meters, stand pipes and all fittings thereon or connected therewith leading from water mains or from pipes, drains, sewers or channels into any house or land, to which water or gas is supplied by a Board, and the pipes, fittings, and works inside any such house or within the limits of any such land, shall in all cases be installed or executed subject to the inspection and to the satisfaction of the Chief Executive Officer.

203. Power to fix rates and charges: A Board may fix the charges to be made for the establishment by them or through their agency or communication from, and connection with, mains, or pipes for the supply of water, or gas, or for meter or other appliances for measuring the quantity, or testing the quantity thereof supplied, and may levy such charges accordingly.

Application of this chapter to Government water-supplies

204. Government water-supply: (1) Where in any cantonment there is a water supply (other than a public water-supply under the control of the Board) under the control of the Military Engineer Services or the public Works Department, the Officer of the Military Engineer Services or of the Public Works Department, as the case may be, in charge of such water-supply (heresfter in this Chapter referred to as the Officer) may publish in the cantonment in such manner as he thinks fit a notice declaring any lake, stream, spring, well, lank, reservoir or other source, whether within or without the limits of the cantonment other than a source of public water-supply and the officer may, for the purpose of keeping any such source in good order or of protecting it from contamination or from use, require the Board to exercise any power conferred upon it by section 190.

(2) In the case of any water-supply such as is referred to in sub-section (1), the following provisions of this Chapter, namely, the provisions of sections 191,193,194,195,197,198,199,200,201,202 and 203 shall, as far as may be , be applicable in respect of the supply of water to the cantonment, and for the purpose of such application references to the Board shall be construed as references to the Officer, and references to the Chief Executive Officer or other officer or employee of the Board shall be construed as references to such person as may be authorized in this behalf by the Officer.

(3)The provision of section 193 shall be applicable in respect of the supply of water by agreement to the Board by the officer for use for any purpose other than a domestic purpose in like manner as they are applicable to such supply to the owner, lessee or occupier of any building or land in the cantonment.

(4) In order to preserve the underground water level, the Board may make regulations for the digging or use of use of bore wells in the cantonment.

205. Water supply for domestic consumption : (1) Where it appears to the Chief Executive Officer that any dwelling house in the cantonment is without supply of water for domestic consumtion and that such a supply can be given from mains which is more than one hundres feet distance from any part of such dwelling house, the Chief Executive Officer may by notice require the owner to obtain supply and to execute all such works as may be necessar for this purpose.

(2) It shall not be lawful for the owner of any premises which may be constructed or reconstructed to occupy it or cause or permit it to be occupied until he has obtained a certificate from the Chief Executive officer that there is provised within, or within a reasonable distance of , house supply of wholesome water as appears to the Chief Executive Officer to be sufficient for domestic consumption and use of the inmates of the house.

206. Recovery of charges : In any case in which the provisions of section 204 apply and in which the Board is not receiving a bulk supply of water under section 207, the water-tax, if any, imposed in the cantonment and all other rates arising out of the supply of water which may be impiosed under the provisions of this Chapter as applied by section 204 shall be recovered by the Board, and all monies so recovered, or such proportion thereof as the Central Government may in each case determine, shall be paid by the Board to the Officer.

207. Supply of water from Government water-supply to the Board : (1) Where in any cantonment there is a water-supply such as is referred to in sub-section (1) of section 204, the Board

may, and so long as the Board is unable to provide a water-supply of its own, it shall receive from the Military Engineer Services or the Public Works Department, as the case may be, at such point or points as may be agreed upon between the Board and the Military Engineer Services or Public Works Department, a supply of water adquate to the requirements for dometic use of all person in the cantonment other than entitled consumers.

(2) Any supply of water received under sub-section (1) shall be a bulk supply, and the Board shall make such payments to the Military Engineer Services or Public Works Department for all water so received as may be agreed upon between the Board and the Military Engineer Services or Public Works Department, or, in default of such agerrment, as may be determined by the Central Government to be reasonble having regard to the actual cost of supplying the water in the cantonment and the rate charge for water in any adjacent municipality:

Provided that, notwithstanding anything contained in this Act, the Board shall not charge for the supply to persons in the cantonment of water received by the board under this section a rate calcuated to produce more than the sum of the payments made to the Military Engineer Services or Public Works Department for water received and the actual cost of the supply thereof by the Board to consumers.

(3) If any dispute arises between the Board and the Military Engineer Services or Public Works Department regarding the rate and amount of water adequate to the require-ments of persons in the cantonment other than entitled consumers, the disputes shall be referred to the Central Government whose decision shall be final.

208. Functions of the Board in relation to distribution of bulk supply : Where under the provisions-of sub-section (I) of section 207 a bulk supply of water is received by the Board,the Board shall be solely responsible for the supply of water to all persons in the cantonment other than entitled consumers; and the provisins of this Act shall apply as if such bulk supply were a source of public water-supply under the control of the Board and as if the communcations from and connetions with such bulk supply for the purpose of supplying water to such persons were a system of water-supply established and maintained by the Board.

209. Special provisions concerning drainage and sewage : (1) All public drains, all drains in, alongside or under any public street, except those vesting in the Military Engineer Services or any Department of the Central Government or a State Government or any autonomous body under the central Government or a state Government and all sewage collection works, whether constructed out of the cantonment fund or other wise and all works, material and things apperatining therto, which are situated in the cantonment shall vest in the Board.

(2) All public and other drains, which are vested in the Board are hereafter in his Act referred to as cantonment drains.

(3) For the purposes of enlaring, deepening or other wise repairing or maintaining any such drain or sewage collection work so much of the sub-soil appertaining thereto as may be necessary for the said purpose shall be deemed also to vest in the Board.

(4) All drains and ventilation shafts, pipes and all applinaces and fittings connected with drainage works construted, erected or set up out of the cantonment fund in or upon premises not belinging to the Board whether-

(a) before or after the commencement of this Act; and

(b) for the use of the owner or occupier of such permises or not, shall unless the Board has otherwise determined, or does at any time otherwise determine, vest and be deemed always to have vested in the Board.

210. Construction of and control of drains and sewage collection and disposal works : (1) All cantonment drains, all sewage collection and all works, materials and things appertaining thereto shall be under the control of the Board.

(2) The Chief Executive Officer shall maintain and keep in repair all cantonment drains and sewage collection and sewage deisposal works when authorised by the Board.

(3) The Board shall contruct as many new drains and sewage collection and sewage disposal works as may from time to time be necessary for effectual drainage and sewage collection.

(4) The Board shall ensure that the sewage effluents are treated in accordance with the norms laid down under the relevant laws relating to pollution before it is dispersed into a river, stream, lake or open land.

211. Certain matters not to be passed into cantonments drains : No person shall throw, empty or turn into any cantonment drain or into any drain communicating with a cantonment drain-

(a) any matter likey to injure the drain or to interfere with the free flow of its contents, or to affect prejudicially the treatment and disposal of its contents; or

(b) any chemical, refuse or waste stream, or any liquid of a temperature higher than forty-five degrees centigrade, being refuse or stream which, or liquid which when so heated is, either alone or in combaination with the contents of the drain be dangerous, or the cause of a nuisance, or prejudicial to health; or

(c) any dangerous petroleum.

Explanation : In this section, the expression "dangerous petroleum" haas the same meaning as in the Petroleum Act, 1934(30 of 1934).

212. Application by owners and occupiers to drain into cantonment drains : (1) Subject to such conditions as may be prescribed by bye-laws made in this behalf, the owner or occupier of any premises having a private drain, or the owner of any private drain within cantonment may apply to the Chief Executive Officer to have his drain made to communicate with the cantonment drains and thereby to discharge foul water and surface water from those premises or that private drain:

Provided that nothing in this sub-section shall entitle any person -

(a) to discharge directly or indirectly into any cantonment drain

(i) any trade effluent from any trade premises except in accordance with bye-laws made in this behalf; or

(ii) any liquid or other matter the discharge of which into cantonment drains is prohibited by or under this Act or any other law ; or

(b) where separate cantonment drains are provided for foul water and for surface water to discharg directly or indirectly-

(i) foul water into a drain provided for the surface water; or

(ii) except with the permission of the Chief Executive Officer, surface water into a drain provided for foul water; or

(c) to have his drains made to communcicate directly with a storm-water over flo drain.

(2) Any person desirous of availing himself of the provisions of sub-section (1) shall give to the Chief Executive Officer notice of his proposals, and at any time within one month after receipt thereof, the Chief Executive Officer may by notice to him refuse to permit the communication to be made, if it appears to his that the mode of construction or condition of the drain is such that the making of the communication would be prejudicial to the drainage system, and for the purpose of examining the mode of construction and condition of the drain he may, if necessary, require it to be laid open for inspection.

(3) The Chief Executive Officer may, if he thinks fit, construct such parts of the work necessary for having a private drain made to communicate with a cantonment drain, as is in or under a public street and in such a case, the expense incurred by the Chief Executive Officer shall be paid by the owner or occupier of the premises, or as the case may be, the owner of the privte drain and shall be recoverble from the owner or occupier as an arrears of tax under this Act.

213. Drainge of undrained premises : (1) Where any premises are in the opinion of the Chief Executive Officer, without sufficient means of effectual drainage and a cantonment drain or some place approved by the Chief Executive Officer for the discharge of filth and other polluted and obnoxious matter is situated at a distance of not exceeding thirty metres from any part of the said premises, he may, by written notice, require the owner of the said premises-

(a) to make a drain emptying into such cantonment drain or place;

(b) to provide and set up all such appliances and fittings as may appear to the Chief Executive Officer Necessary for the purposes of gathering and receiving the fifth and other polluted and obnoxious

matter from, and conveying the same off, the said premises and of effectually flushing such drain and every fixture connected therewith;

(c) to remove any existing drain or other appliance or thing used or intended to be used for drainage which is injurious to health;

(d) to provide a closed drain in substitution of an open drain or to provide such othe applicance or thing either newly or in substitution of any existing appliance or thing or to provide both a close drain and such other applinance or thing in substitution of the existing open drain and other appliance or thing, which is or is likely to be injurious to health;

(e) to prvide and set up all such appliances and fitting as may appear to the Chief Executive Officer to be necessary for the purpose of gathering and receiving the waste water from floors and galleries of buildings when they ar washed, and conveying the same through spouts, by down-take pipes so as to prevent such waste water from discharging directly on streets or inside any lower portion of the premises;

(f) to carry out any work to imporve or re-model an existing drain which is inadequate, insufficient or faulty.

(2) Where in any case not provided for in sub-section (1) any premises are, in the opinion of the Chief Executive Officer, without sufficient means of effectual drainage, he may, by written notice, require the owner of the premises-

(a) to connstruct a drain up to a point to be prescribed in such notice but not at a distance or more than thirty meters from any part of the premises; or

(b) to construct a closed cesspool or soakaga pit and drain or drains emptying into such cesspool or soakage pit.

(3) Any requisition for the construction of any drain under sub-section (2) may contain any of the details specified in sub-section (1).

214. New premises not to be erected without drains : (1) It shall not be lawful to erect to re-erect any premises in a cantonment or to occpy any such premises unless-

(a) a drain be constructed of such size, metrials and description, at such level and with such fall as shall appear to the Chief Executive Officer to be necessary for the effectual drainage of such premises;

(b) there have been provided and set up on such premises such appliances and fittings as may appear to the Chief Excutive Officer to be necessary for the purposes of gathering or receiving the filth and other polluted and obnoxious matter from, and conveying the same off, the said premises and of effectually flushing the drain of the said premises and every flxture connected therewith.

(2) The drain so constructed shall empty into a cantonment drain situated at a distance of not exceeding thirty meters from the premises; but if no cantonment drain is situated within that distance then such drain shall empty into a cespool situated within that distance to be specified by the Chief Executive Officer for the purpose.

215. Power to drain group or block of premises by combined operations : (1) If it appears to the Chief Executive Officer that any group or block of premises may be drained more economically or advantageously in combination than separatley, and a cantonment drain of sufficient size alredy exists or is about to be constructed within thirty metres of any part of that group or block of premises, the Chief Executive Officer may cause that groupor block of premises to be drained by a combined operation.

(2) The expenses incurred in carrying out any work under sub-section (1) in respect of any group or block of premises shall be paid by the owners of such premises in such proportions as the Chief Executive Officer may determine and shall be recoverable from them as an arrears of tax under this Act.

(3) Not less than fifteen days before any such work is commenced, the Chief Executive Officer shall give to each such owner-

(a) written notice of the nature of the proposed work; and

(b) an estimate of the expenses to be incurred in respect thereof and of the proportion of such expenses payable by him.

(4) The Chief Executive Officer may require the owners of such groups or block or premises to maintain the work executed under this section.

216. Power to close or limit the use of private drains in certain cases : Where a drain connecting any premises with a cantonment drain is sufficient for the effectual drainage of such premises and is otherwise unobjectionable but is not in the opinion of the Chief Executive Officer, adapted to the general system of drainage in the cantonment, he may, by written notice addressed to the owner of the premises, direct-

(a) that such drain be closed, discontinued or destroyed and that any work necessary for that purpose be done; or

(b) that such drain shall, from such as may be specified in the notice in this behalf, be used for filth and polluted water only or for rain water and unpolluted sub-soil water only:

Provided that-

(i) no drain may be closed, discontinued or destroyed by the Chief Executive Officer under clause (a) except on condition of his providing another drain equally effectual for the drainage of the premises and communcating with any cantonment drain which he thinks fit; and

(ii) the expenses of the construction of any drain so provided by the Board and of any work done under clause (a) may be paid out of the cantonment fund.

217. Use of drain by a person other than the owner : (1) Where the Chief Executive Officer either on receipt of an application from the owner of any premises or otherwise is of the opinion that the only, or the most convenient means of effectual drainage of the premises into a cantoment drain is throughh a drain belonging to another person, the Chief Executive Officer may by notice in writing require the owner of such a drain to show cause within a period specified in the notice as to why an order under this section should not be made.

(2) Where no cause is shown within the specified period or the cause shown appears to the Chief Executive Officer invalid or insufficient, the Chief Executive Officer may by order in writing either authorise the owner of the premises to use the drain or declare him to be a joint owner thereof.

(3) An order made under sub-section (2) may contain dirctions as to

(a) the payment of rent or compensation by the owner of the premises;

(b) the construction of a drain for the premises for the purpose of connecting it with the aforesaid drain;

(c) the entry upon the land in which the, aforesaid drain is situate with assistants and workmen at all reasonable hours;

(d) the respective responsibilities of the parties for maintaining, repairing, flushing, cleaning and emptying the aforesaid drain.

218. Sewage and rain water drains to be disrinct : Whereever it is provided in this Chapter that steps shall or may be taken for the effectual drainage of any premises, it shall be competent to the Chief Executive Officer to require that there shall be one drain for filth and polluted water and an entirely distinct drain for rain water and unpolluted sub-soil water or both rain water and unpolluted sub-soil water, each emptying into separate canonment drains or other suitable places.

219. Power to require owner to carry out certain works for satisfactory drainage : For the purpose of efficient drainage of any premises, the Chief Executive Officer may, by notice in writing-

(a) require any courtyard, alley or passage between two or more building to be paved by the owner or owners of such building with such materials and in such manner as may be approved by the Chief Executive Officer; and

(b) require such paving to be kept in proper repair.

220. Appointment of places for the emptying of drains and collection of sewage : The Chief Executive Officer may cause any or all of the cantonment drains to empty into, and all sewage to be collected of at, such place or places as he considers suitable:

Provided that no place which has not been before the commencement of this Act used for any of the purposes specified in this section shall, after such commencement be used therefor without the approval of the Board:

Provided further that on and after such date as may be appointed by the Central Government in this behalf no sewage shall be discharged into any water course until it has been so treated as not to affect prejudicially the purity and quality of the water into which it is discharged.

Miscellaneous

221. Connection with water works and drains not to be made without permission : Without the written permission of the Chief Exective Officer, no person shall for any purpose whatsoever, at any time make or cause to be made any connection or communicate with any drain referred to in section 210 or any water works, constructed or maintained by, or vested in, the Board.

222. Buildings railways and private streets not to be erected or constructed over drains or water works without permission : 1 (a) No railway works shall be constructed on any cantoment drain or any water works constructed or maintained by, or vested in the Board, without the approval of the Central Government.

(b) If any railway works are constructed on any drains or water works as a foresaid without the written permission of the Central Government, the Chief Executive Officer may remove or otherwise deal with the same as he thinks fit.

2 (a) No private street shall be constructed and no building wall, fence or other structure shall be erected on any cantonment drain or on any water works constructed or maintained by, or vested in, the Board without the approval of the Board.

(b) If any private street is constructed or any building, wall, fence or structure erected on any drain or water works as aforsaid without the written permission of the Board, the Chief Executive Officer may remove or otherwise deakl with the same as he may think fit.

(3) The expenses incurred by the Chief Executive Officer in doing so shall be paid by the owner of the private street or of the building, fence wall or other structure or, as the case may be, by rauilway administration or the person offending and shall be recovenable as an arrears of tax under this Act.

223. Rights of user of property for aqueducts lines ect : (1) The Chief Executive Officer may place and maintain aqueducts, conduits and lines of mains or pipes or drains over, under, along or across any immovable property whether within or without the local limits of the cantonment without acquiring the same, and may at any time for the purpose of examining, repairing, altering or removing any aqueducts, conduits or lines of mains or pipes or drains, enter on any property over, under, along or across which the aqueduts, conduits or lines of mains or pipes, or drains have been placed:

Provided that the Board shall not acquire any right other than a right of user in the property over, under, along or across which any aqueduct conduct or line of mains or pipes, or drain is placed.

(2) The power conferred under sub-section (1) shall not be exercisable in respect of any property vested in the Union or under the control or management of the Central Government or raliway adminmistration or vested in any local authority save with the permission of the central Government or railway administration or the local authority, as the case may be, and in accordance with any bye-laws made inthis behalf:

Provided that Chief Executive Officer may, without such permission, repair; renew, or amend any existing works of which the character or position is not to be altered if such repair, renewal or amendment is urgently necessary in order to maintain without interruption the supply of water, drainage or collection of sewagge or is such that delay would be dangerous to health, human life or property.

(3) In exercise of the powers conferred upon him by this section, the Chief Executive Officer shall cause as little damage and inconvenience as may be possible, and shall make full compensation for any damage or inconvenience caused by him.

224. Power of owner of premises to place pipes and drains through land belonging to other persons : (1) If it appears to the Chief Executive Officer that the only or most convenient means of water supply to, and drainage of, any premises is by placing or carrying any pipe or drains over, under, along or across the immovable property of another person, the Chief Executive Officer may, by order in writing, authorise the owner of the premises to place or carry such pipe or drain over, under ,along or across such immovable property:

Provided that before making any such order the Chief Executive Officer shall give to the owner of the immovable property a resonable opportunity of showing cause within such time as may be prescribed by bye-laws made in this behalf as to why the order should not be made:

Provided further that the owner of the premises shall not acquire any right other than a right of user in the property over, under, along or across which any such pipe or drain is placed or carried.

(2) Upon the making of an order, under sub-section (1) ,the owner of the premises may, after giving reasonable notice of his intention so to do, enter upon the immovable property with assistants and workmen at any time between sunrise and sunset for the purpose of placing a pipe or drain over, under, along or across such immovable property or for the purpose of repairing the same.

(3) In placing or carrying a pipe or drain under this sectionj, as little damage as possible shall be done to the immovable property and the owner of the premises shall-

(a) cause the pipe or drain to be carried with the least practicable delay;

(b) fill in, re-instate make good at his own and with the least practicable dealy, any land opened, broken up or removed for the purpose of placing or carrying such pipe or drain ;and

(c) pay compensation to the owner of the immovable property and to any other person who sustains damage by reason of the placing or carrying of such pipe or drain.

(4) If the owner of the immovable property, over, under, along or across which a pipe or drain has been placed or carried under this section whilst such immivable property was not built upon, desires erect any building on such property, the Chief Executive Officer, shall by notice in writing, require the owner of the premises to close, remove or divert the pipe or drain in such manner as shall be approved by him and fill in, re-instate and make good the immovable property as if the pipe or drain had not been placed or carried over under, along or across the same.

Provided that no such requisition shall be made unless in the opinion ofthe Chief Executive Officer it is necessary or expedient for the construction of proposed building or the safe enjoyment thereof that the pipe or drain shuuld be closed, removed or diverted.

225. Power to require railway level, etc., to be raised or lowered : If the Board places or carries any pipe or drain or does any other work connected with the water supply or drainage across any railway line, it may, with the sanction of the Central Government and at the cost of the cantonment fund, require the railway administration to raise or lower the level thereof.

226. Power to execute work after giving notice to the person liable : (1) When under the provisions of this Chapter, any person may be required or is liable to execute any work, the Chief Executive Officer may, in accordance with the provisions of this Act and of any bye-laws made in this behalf , cause such work to be executed after giving such person an opportunity of executing the same within such time as may be specified by him for this purpose.

(2) The expenses incurred or likely to be incurred by the Chief Executive Officer in the execution of any such work shall be payable by the said person and the expenses incurred by the Chief Execcutive Officer in connection with the maintenance of such work or the enjoyment of amenities and conveniences rendered possible by such work shall be payble by the person or persons enjoying such amenities and conveniences.

(3) The expenses referred to in sub-section (2) shall be recoverable from the person or persons liable therefor as an arrears of tax under this Act.

227. Power to affix shafts etc., for ventilation of drain or cesspool : For the purpose of ventilating any drain or cesspool, whether vested in the Board or not, the Chief Executive Officer may, in accordance with bye-laws made in this behalf, erect upon any premises or affix to the outside of any building or to any tree any such shaft or pipe as may appear to him to be necessary.

228. Power to examine and test drains, etc., belived to be defective : (1) Where it appears to the Chief Executive Officer that there are reasonable grounds for believing that a private drain or cesspool is in such condition as to be prejudicial to health or a nuisance or that a private drain communicating directly or indirectly with a cantonment drain is so defective as to admit sub-soil water, he may examine its condition, and for that purpose may apply test, other than a test by water under pressure, and if he deems it necessary, open the ground.

(2) If on examination the drain or cesspool is found to be in proper condition, the Chief Executive Officer shall, as soon as possible, re-instate any ground which has been opened by him and make good any damage done by him.

229. Bulk delivery of sewage by the Board : (1) The Board shall deliver in bulk all the sewage to, the authority prescribed by the Central Government or the State Government, subject to such charges for the delivery of sewage of the area of cantonment as may be determined by means of an agreement entered into between that other authority and the Board.

(2) The agreement mentioned in sub-section (1) shall provide also for a stipulation therein that in case of any dispute about the payments to be made to that other authority by the Board, the matter shall be referred to the Central Government whose decision thereon shall be final and binding on both parties.

230. Employment of Government agencies for repair, etc : The Central Government may, for reason to be recorded, direct that any specified work, repair , renewal or replacement which is to be undertaken by or for the Board under this Chapter, shall be carried out on behalf of the Board by the Central Government and the Board shall pay the charges therefor at the rates and subject to the terms for the time being applicable in the case of works constructed by that Government on behalf of local authority.

231. Works to be licensed plumber : (1) Nor person other than a licensed plumber shall execute any work described in this Chapter and no person shall permit any such work to be executed except by a licensed plumber:

Provided that if, in the opinion of the Chief Executive Officer, the work is of a trivial nature, he may grant permission in writing for the execution of such work by a person other a licensed plumber.

(2) Every person who employs a licensed plumber to execute any work shall, when so required, furnish to the Chief Executive Officer the name of such plumber.

(3) When any work is executed except in accordance with the provisions of sub-section(1), such work shall be liable to be dismantled at the discretion of the Chief Executive Officer without prejudice tothe right of the Board to prosecute under this Act the person at whose instance such work has been executed.

(4) The Board may make bye-laws for the guidance of licensed plumbers and a copy of all such bye-laws shall be attached to every licence granted to a plumber by the Board.

(5) The Board may, from time to time, prescribe the charges to be paid to licensed pluber for any work done by them under or for any of the purposes of this Chapter.

(6) No licensed plumber shall, for any work referred to in sub-section (5), demand or receive more than the charges prescribed therefor, under that sub-section.

(7) The Board shall make bye-laws providing for-

(a) the exercise of adequate control on all licensed plumbers;

(b) the inspection of all works carried out by them; and

(c) the hearing and disposal of complaints made by the owners or occupiers of premises with regard to the quality of work done, material used, dealy in execution of work, and the charges made, by a licesed plumber.

(8) No licensed plumber shall contravene any of the bye-laws made under this section or execute carelessly or negligently any work under this Act or make use of bad materials, appliances or fittings.

(9) If any licensed plumber contravenes sub-section (8), his licence may be suspended or cancelled whether he is prosecuted under this Act or not.

232. Prohibition of certain acts : (1) No person shall-

(a) wilfully obstruct any person acting under the authority of the Board, or the Chief Executive Officer, in setting out the lines of any works or pull up or remove any pillar, post or stake fixed in the ground for the purpose of setting out lines of such work, or deface or destory any works made for the same purpose; or

(b) wilfully or negligently break, injure, turn on, open, close, shut off or otherwise interfere with any lock, cock, valve, pipe, meter or other work or appartus belonging to the Board; or

(c)unlawfully obseruct the flow of or flush, draw off, or divert, or take water from any water work belonging to the Board ;or

(d) unlawfully obstruct the flow of or flush, draw off, or divert, or take sewae from any sewage work belonging to the Board or break or damage any electrical transmission line maintained by the Board; or

(e) obstruct any officer or other employee of the Board in the discharge of his duties under this Chapter or refuse or wilfully neglect to furnish him with the means necessary for the making of any entry, inspection, examination or inquiry thereunder in relation to any water or sewage work; or

(f) bathe in, at upon any water work or wash or throw or cause to entre therein any animal, or throw any rubbish, dirt or flth into any water work or wash or clean there in any cloth, wool or leather or the skin of any animal, cause the water of any sink, drain or any steam-engine or boiler or any polluted water to turn or be brought into any water work, or do any other act whereby the water in any water work is fouled or likely to be fouled.

(2) Nothing in clause (b) of sub-section (1) shall apply to a consumer closing the stopcock fixed on the service pipe supplying water to his premises so long as he has obtained the consent of any other consumer whose supply will be affected thereby.

CHAPTER X

TOWN PLANNING AND CONTROL OVER BUILDINGS, ETC.

233. Preparation of land use plan : (1) On the commencement of this Act, the Chief Executive Officer shall with the approval of the Board, cause to be prepared a spatial plan for land use to be followed in the cantonment which shall include-

(a) earmaking of zones for residential, institutional, commercial and other activities; and

(b) improvement schemes for areas considered sub-standard on account of narrowness of streets, poor lighting, poor ventilation or irregular line of buildings in a street.

(2) The Board shall give publicity to the land use plan prepared under sub-section (1), by publishing a gist of the plan in a local newspaper.

234. Sanction for building : No person shall erect re-erect a building on any land in a cantonment-

(a) in an area, other than the civil area, except with the previous sanction of the Board;

(b) in a civil area, except with the previous sanction of the Chief Executive Officer.

nor otherwise than in accordance with the provisions of this Chapter and of the rules and bye-laws made under this Act relating to the erection and re-erection of building;

Provided that if an erected or re-erected building is meant for public purposes, then it shall be made accessible to and barrier free for the persons with disablities.

235. Notice of new buildings : (1) Whoever intends to erect or re-erect any building in a cantonment shall apply for sanction by giving notice in writing of his intention-

(a) where such erection or re-erection is in an area, other than the civil area, to the Board;

(b) where such erection or re-erection is in a civi;l area, to the Chief Executive Officer.

(2) For the purposes of this Act, a person shall be deemed to erect or re-erect a building who-

(a) makes any material aleteration or enlargenment of any building; or

(b) converts into a place for human habitaion any building not originally constructed for human habitation; or

(c) converts into more than one place for human habitation a building originally constructed as one such place; or

(d) converts two or more places of human habitaion into a greater number of such places; or

(e) converts into a stable, cattle-shed or cow-house any building originally constructed for human habitation; or

(f) converts into a dispensary, stall, shops, warehouse, godown, factory or garage any building originally constructed for human habitaion; or

(g) makes any alteration which there is reason to belive is likely to affect prejudicially the stability or safety of any building or the condition of any building in respect of drainage, sanitation or hygiene; or

(h) makes any alteration to any building which increases or diminishes the height of, or area covered by, or the cubic capacity of, the building, or which reduces the cubic capacity of any room in the building below the minimum prescribed by any bye-law made under this Act.

236. Conditions of valid notice : (1) A person giving the notice required by section 235 shall specify the purpose for which it is intended to use the building to which such notice relates.

(2) No notice shall be valid until the information required under the sub-section (1) and any further information and plans and undertakings which may be required under byr-laws made under this Act have been furnished to the satisfaction of the Chief Executive Officer, along with the notice.

237. Powers of Board under certain sections exercisable by Chief Executive Officer : The powers, duties and functions of the Board under section 238, sub-section (1) of section 241, section 243, section 245 and section 248 excluding the provisions to sub-section (1) and the provisio to sub-section (2) of the said section 248 shall be exercised or discharged in a civil area by the Chief Executive Officer.

238. Power of Boad to sanction or refuse : (1) The Board may either refuse to sanction the erection or re-erection, as the case may be, of the building, or may sanction it either absolutely or subject to such directions as it thinks fot to make in writing in respect of all or may of the following matters, namely:

(a) the free passage or way to be left in front of the building;

(b) the space to be left about the building to secure free circulation of air and facilitate scavenging and the prevention of fire;

(c) the ventilation of the building, the minimum cubic area of the rooks and the number of height of the storeys of which the building may consist;

(d) the provison and position of drains, latrines, urinals, cesspools or other receptacles for filth;

(e) the level and width of the foundation, the level of the lowest floor and the stability of the structure;

(f) the line of frontage with neighbouring buildings if the building abuts on a street;

(g) the means to be provided for egress from the building in case of fire;

(h) the materials and method of construction to be used for external and party walls for rooms, floors, fire-places and chimneys;

(i) the height and slope of the roof above the uppermost floor upon which human beings are to to live or cooking operations are to be carried on; and

(j) any other matter affecting the ventilation and santation of the buildings, and the person erecting or re-erecting the building shall obey all such written directions in every particular.

(2) The Board may refuse to sanction the erection or re-erection of any building on any grounds sufficient in the opinion of the Board affercting the pariticular building:

Provided that the Board shall refuse to accord sanction the erection or re-erection of any building if such erection or re-erection is not in conformity with any general scheme sanctioned under section 240.

(3) The Board, before sanctioning the erection or re-erection of a building on land which is under the management of the Defence Estates Officerr, shall refer the application to the Defence Estates Officer for ascertaining whether there is any objection on the part of the Government to such erection or re-erection; and the Defence Estates Officer shall return the application together with his report thereon to the Board within thirty days after it has been received by him.

(4) The Board may refuse to sanction the erection or re-erection of any building-

(a) when the land on which it is proposed to erect or re-erect the building is held on a lease from the Government, if the erection or re-erection constitutes a breach of the terms of the lease; or

(b) when the land on which it is proposed to erect or re-erect the building is entrusted to the management of the Board by the Government if the erection or re-erection constitutes a breach of the terms of the entrustment of management or contravens any of the instructions issued by the Government regarding the management of the land by the Board; or

(c) when the land on which it is proposed to erect re-erect the building is not held on lease from the Government, if the right to build on such land is in dispute between the persion applying for sanction and the Government.

(5) If the Board decides to refuse to sanction the erection or re-erection of the building it shall communicate in writing the reasons for such refusal to the person by whom notice was given.

(6) Where the Board neglects or omits, for one month after the recipt of valid notice, to make and to deliver to the person who has given the notice any order of any nature specified in this section, and such person thereafter by a written communication sent by registered post to the Board calls the attention of the Board to the neglect or omission, then, if such neglect or omission continuse for a further period of fifteen days from the date of such communication the Board shall be deemed to have given sanction to the erection or re-erection, as the case may be:

Provided that, in any case to which the provisions of sub-section(3) apply, the period of one month herein specified shall be reckoned from the date on which the Board has received the report referred to in that sub-section.

239. Order of stoppage of building or works in certain cases and disposal of things removed : (1) Where the erection of any building or execution of any work has been commenced or is being carried on without or contrary to the sanction, but has not been completed, referred to in section 238 or in contravention of any condition subject to which such sanction has been accorded or in contravention of any provision of this Act or bye-laws made thereunder, the Chief Executive Officer may in addition to any other action that may be taken under this Act, by require the person at whose instance the building or the work has been commenced or is being carried on to stop the same forthwith.

(2) If an order made by the Chief Executive Officer under sub-section (1) directing any person to stop the erection of any building or execution of anywork is not complied with, the Chief Executive Officer may require any police officer to remove such person and all his assistants and workmen from the premises or to seize any construction material, tool, machinery, scaffolding or other things used in the erection of any building or execution of any work within such time as may be specified in the requisition and such police officer shall comply with the requistion accordingly.

(3) Any of the things caused or to be seized by the Chief Executive Officer under sub-section (2) shall be disposed of by him in a manner specified in sub-sections (6) and (7)

(4) After the requisition under sub-section (2) has been complied with the Chief Executive Officer may, if he thinks fit, depute by a written order a police officer or an officer or an employee of the Board to watch the premises in order to ensure that the erection of the building or the execution of work is not continued.

(5) Where a police officer or an officer or an employee of the Board has been deputed under sub-section (4) to watch the premises, the cost of such deputation shall be paid by the person at whose instance such erection or execution is being continued or to whom notice under sub-section (1) was given and shall be recoverable from such person as an arrear of tax under this Act.

(6) Any of the things caused to be removed by the Chief Executive Officer under this section shall unless the owner thereof turns up to take back such things and pays to the Chief Executive Officer charges for removal and storage of such things be disposed of by the Chief Executive officer by a public auction or in such manner as he think fit:

Provided that such things shall only be disposed of by the Chief Executive Officer on the expiry of fifteen days in case of non perishable things and twenty-four hours in case of perishable things from the date and time of seizure.

(7) The charges for removal and storage and sale of things sold under sub-section (6) shall be paid out of the proceeds of the sale thereof and the balance, if any, shall be paid to the owner of the things sold on a claim being made therefor within a period of one year from the date of sale and in no such claim is made within the said period, shall be credited to the cantonment fund.

240. Power to sanction general scheme for prevention of overcrowding etc : The General Officer Commanding -in -Chief the Command in Consultation with the Principal Director may sanction a general scheme of erection of re-erection or buildings within such limits as may be specified in the

sanction for the prevention of overcrowding or for purpose of sanitation, or in the interest of persons residing within those limits or for any other purpose, and may, in pursuance of such scheme, impose restrictions on the erection or re-erection of buildings within those limits:

Provided that no such scheme shall be sanctioned by the General Officer Commanding in Chief, the Command unless an opportunity has been given by a public notice to be published locally by the Chief Executive Officer requiring persons affected or likely to be affected by the proposed schenme, to file their objections or suggestions in the manner specified in the notice, within a period of thirty days of the publication of such notice, and the Chief Executive Officer shall after considering such objections and suggestions, if any, forward the same along with his recommendations to the Principal Director.

241. Compensation : (1) No compensation shall be claimable by any person for any damage or loss which he may sustain in consequence of the refusal of the Board of sanction to the erection of any building or in respect of any direction issued by it under sub-section (1) of section 238.

(2) The Board shall make compensation to the owner of any building for any actual damage or loss sustained by him in consequence of the prohibition of the re-erection of any building or of its requiring any land belonging to him to be added to the street:

Provided that the Board shall not be liable to make any compensation in respect of the prohibition of the re-erection of any building which for a period of three years or more immeediately preceding such refusal has not been in existence of has been unfit for human habitaion.

242. Completion notice : Every person to whom sanction for the erection or re-erection of any building in any area in a cantonment has been given under section 237 or section 238 by the Chief Executive Officer or, as the case may be, by the Board shall, within thirty days after completion of the erection or re-erection of the building give a notice of completion in writing to the Chief Executive Officer or the Board, as the case may be, and the Chief Executive Officer or the Board shall on receipt of such notice cause the building to be inspected in order to ensure that the building has been completed in accordance with the sanction given by the Chief Executive Officer or the Board, as the case may be.

243. Lapse of sanction : Every sanction for the erection or re-erection of a building given or deemed to have been given as hereinbefore provided shall be available for two years from the date on which it is given, and, if the building so sanctioned is not begun by the person who has obtained the sanction or some one lawfully claiming under him within that period, it shall not thereafter be begun unless the Chief Executive Officer, on application made therefor has allowed an extension of that period.

244. Restrictions on use of buildings : (1) No person shall, without the written permission of the Board or otherwise than in conformity with the conditions, if any, of such permission,-

(a) use or permit to be used for human habitation any part of a building not originally erected or authorised to be used for that purpose or not used for that purpose before any alteration has been made therein by any work executed in accordance with the provisions of this Act and the bye-laws made thereunder;

(b) change or allow the change of the use of any land or building;

(c) convert or allow the conversion of one kind of tenement into another kind:

(2) Any person who contravenes the provisions of sub-section (1) shall on conviction be punishable with a fine which may extend to one lakh rupees and in the case of continuing contravention with an additional fine of rupees ten thousand for every day during which the contravention continues after the date it comes to the notice.

245. Period for completion of building : A Board when sanctioning the erection or re-erection of a building as hereinbefore provided, shall specify a resonable period after the work has commenced within which the erection or re-erection is to be completed, and if the erection or re-erection is not completed within the period so fixed, it shall not be continued thereafter without fresh sanction obtained in the manner herein before provided, unless the Board on application made therefor has allowed an extension of that period:

Provided that not more than two such extensions, each for not more than one year, shall be allowed in any case.

246. Completion certificate : The Chief Executive Officer shall on receipt of the notice under section 242 of this Act cause the building to be inspected either by himself or by the Officer authorised by him in his behalf in order to ensure that the building has ben completed in accordance with the sanction given and issue completion certicate provided that the person seeking the completion certicate shall assist the Chief Executive Officer in inspection of such building:

Provided that the building shall not be occupied for habitation unless a certificate is issued by the Chief Executive Officer or an officer authorised by him in this behalf:

Provided further that if the Chief Executive Officer fails within a period of thirty days after the receipt of the notice of completion, to communicate his refusal to issue such certificate, such certificate shall be deemed to have been granted.

247. Illegal erection and re-erection : Whoever begins, continues or completes the erection or re-erection of a building-

(a) without having given a valid notice as required by sections 235 and 236, or before the building has been sanctioned or is deemed to have been sanctioned; or

(b) without complying with any direction made under sub-section (1) of section 238; or

(c) when sanction has been refused, or has ceased to be available or has been suspended by the General Officer Commanding-in-Chiief, the Command, under clause (b) of sub-section(1) of section 58,

shall be punishable with fine which may extend to fifty thousand rupees and the cost of sealing the illegal construction and its demolition.

248. Power to stop erection or re-erection or to demolish : (1) A Board may, at any time, by notice in writing, direct the owner, lessee or occupier of any land in the cantonment to stop the erection or re-erection of a building in any case in which the Board considers that such erection or re-erection is an offence under section 247 and may, in any such case or in any other case in which the Board considers that erection or re-erection of a building is an offence under section 247, within twelve months of the completion of such erection in like manner, direct the alteration or demolition, as it thinks necessary, of the building, or any part thereof, so erected or re-erected:

Provided that the Board may, instead of requiring the alteration or demolition of any such building or part thereof, accept by way of composition such sum as it thinks reasonable:

Provided further that the Board shall not, without the previous concurrence of the General Officer Commanding-in-Chief, the Command, accept any sum by way of composition under the foregoing proviso in respect of any building on land which is not under the management of the Board.

(2) A Board shall by notice in writing direct the owner, lessee or occupier of any land in the cantonment to stop the erection or re-erection of a building in any case in which the order under section 238 sanctioning the erection or re-erection has been suspended by the General Officer Commanding-in-Chief, the Command, under clause (b) of sub-section(1) of section 58, and shall in any such case in like manner direct the demolition or alteration, as the case may be, of the building or any part thereof so erected or re-erected where the General Officer Commanding-in-Chief, the Command, thereafter directs that the order of the Board sanctioning the erection or re-erecton of the building shall not be carried into effect or shall be carried into effect with modifications specified by him:

Provided that the Board shall pay to the owner of the building compensation for any loss actually incurred by him in consequence ofthe demolition or alteration of any building which has been erected or re-erected prior to the date on which the order of the General Officer Commanding-in-Chief, the Command, has been communicated to him.

249. Power to seal unauthorised constructions : (1) It shall be lawful for the Chief Executive Officer, at any time, before or after making an order of demolition under section 248 or of the stoppage of erection of any building, or execution of any work, to make an order directing the sealing of such erection or work or of the premises in which such erection or work is being carried on or has been completed at the cost of the offender in such manner as may be prescribed by ruled for the purpose of carrying out the provisions of this Act or for preventing any dispute as to the nature and extent of such erection of work.

(2) Where any erection or work or any premises in which any erection or work is being carried on, has or, has been sealed, the Chief Executive Officer may, for the purpose of demolishing such erection or work in accordance with the provisions of this Act, order such seal to be removed.

(3) No person shall remove such seal except-

(a) under an order made by the Chief Executive Officer under sub-section (2); or

(b) under an order of an appellate authority in an appeal made under this Act.

(4) Any person who contravenes the provisions containes in sub-section (3) shall be punishable with imprisonment which may extend to six months or with fine which may extend to twenty thousand rupees, or with both.

250. Courts not to entertain proceedings in certain cases : (1) After the commencement of this Act, no court shall entertain any suit, application or other proceedings in respect of any order or notice unless an appeal under section 340 is preferred and the same is disposed of by the appellate authority under sub-section (3) of section 343 of this Act.

(2) Notwithstanding anything contained in sub-section (1), every suit, application or other proceedings pending in any court immediately before the commencement of this Act shall continue to be dealt with and disposed of by that court as if the said section has not been brought into force.

251. Power to make bye-laws : A Board may make bye-laws prescribing-

(a) the manner in which notice of the intention to erect or re-erect a building in the cantonment shall be given to the Board or, as the case may be, the Chief Executive Officer and the information and plans to be furnished with the notice;

(b) the manner in which and the form in which a notice of completion of erection or re-erection of any building in the cantonment shall be given to the Board or, as the case may be, the Chief Executive Officer and the information and plans to be furnished with the notice;

(c) the type or description of buildings which may or may not, and the purpose for which a building may or may not, be erected or re-erected in the cantonment or any part thereof;

(d) the minimum cubic capacity of any room or rooms in a building which is to be erected or re-erected;

(e) the fees payable on provision by the Board of plans or specifications of the type of buildings which may be erected in the cantonment or any part thereof;

(f) the circumstances in which mosque, temple or church or other scared building may be erected or re-erected; and

(g) with reference to the erection or re-erection of buildings, or of any class of buildings, or any of the following matters, namely:

(i) the line of frontage where the building abuts on street;

(ii) the space to be left about the building to secure free circulation of air and facilities for scavenging and for the prevention of fire;

(iii) the materials and method of construction to be used for external and party walls, roofs and floors;

(iv) the position, the materials and the method of construction of stair-cases, fire places, chimneys, drains, latrines, privies, urinals and cess-pools;

(v) height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on;

(vi) the level and width of the foundation, the level of the lowest floor, the stability of the structure and the protection of building from dampness arising from sub-soil;

(vii) the number and height of the storeys of which the building may consist;

(viii) the means to be provided for egress from the building in case of fire;

(ix) the safeguarding of wells from pollution; or

(x) the materials and method of construction to be used for godowns intended for the storage of foodgrains in excess of eighteen quintals in order to render them rat proof.

252. Prohibition of structures of fixtures which cause obstruction in streets : (1) No person shall, except with the permission of the Chief Executive Officer, erect or set up any wall, fence, nail, post,

step, booth or other structure whether fixed or movable or whether of a parmanent or temporary nature, or any fixture in upon any street so as to form an obstruction to, or an encroachment upon, or a projection over, or to occupy any portion of such street, channel, drain, well or tank.

(2) The Chief Executive Officer may, by notice in writing\, require the owner or occupier of any such building to alter or remove any such projection or encroachments as aforesaid:

Provided that, in the case of any projection or encroachment lawfully in existence at the commencement of this Act, the Chief Executive Officer shall make compensation for any damage caused by the removal or alteration.

(3) The Chief Executive Officer may, by order in writing, give permission to the owners or occupiers of buildings in any particular street to put up open verandahs, balconies or rooms projecting from any upper storey thereof to an extent beyond the line of the plinth or basement wall at such height from the level ground or street as may be specified in the order.

253. Unauthorised buildings over drains. etc: The Chief Executive Officer may, by notice in writing require any person who has, without his permission in writing, newly erected or re-erected any structure over any public sewer, drain, culvert, water-course or water-pipe in the cantonment to pull down or other deal with the same as the thinks fit.

254. Drainge and sewer connections : (1) The Chief Executive Officer may, by notice in writing, require the owner or lessee of any building or land in any street, at his own expense and in such manner as he thinks fit, to put up and keep in good condition, proper troughs and pipes for receiving and carrying rain water from the building or land and for discharging the same or to establish and maintain any other connection or communication between such buildings or land and a drain or sewer or a water harvesting structure or facility.

(2) For the purpose of efficiently draining any building or land in the cantonment, the Chief Executive Officer may, by notice in writing, require the owner or lessee of the building or land-

(a) to pave, with such materials and in such manner as he thinks fit, any courtyard, alley or passage between two or more buildings; or

(b) to keep any paving in properrepair; or

(c) to make such arrangements as may be specified by the Board under bye-laws to deliver rain water from roof top to the water harvesting facility created or arragged by the Board.

255. Power to attach brackets for lamps and other accessories : The Chief Executive Officer may attach to the outside of any building, or to any tree in the cantonment, brackets for lamps or any accessories for non-conventional sources of energy in such manner as not to occasion injure thereto or inconvenience.

256. Maintenance of Roads : (1) All roads in the civil area of a cantonment shall be maintained by the Board.

(2) All roads outside the civil area as have been vested in the Board shall also be maintained by the Board.

Streets

257. Temporary occupation of street, land, etc: (1) The Chief Executive Officer may, by order in writing, permit the temporary occupation of any street, or of any land vested in the Board, for the purpose of depositing any building materials or making any temporary excavation therein or erection thereon, subject to such conditions as the Board may prescribe for the safety or convenience of the public and may charge a fee for such pemission and may in his discretion withdraw such permission.

(2) Where any article or thing is placed on any street or land under the management of the Board or the Defence Estates Officer so as to form an obstruction thereto or any encroachment thereon, the Chief Executive Officer or, as the case may be, the Defence Estates Officer, may, cause such article or thing to be removed and recover from the person who placed such article or thing the expenses incurred in that behalf in the same manner as moneys recovarable by the Board under section 324 and may also, if such person fails to offer satisfactory explanation, order the confiscation of such article or thing.

258. Closing and opening of streets : (1) A Board may open any street for public use.

(2) A Board shall not permanently close any street without the prior permission of the General Officer Commanding in Chief, or the Principal Director:

Provided that no such street shall be closed for reasons other than the security reasons and without giving a public notice inviting objections and suggestions from the general public.

(3) The Chief Executive Officer may, by public notice, temporarily close any street or any part of a street for repair or for the purpose of carrying out any work connected with drainage, water-supply or lighting or any other work which he is by or under this Act required or permitted to carry out:

Provided that where, owing to any works or repairs or from any other cause, the condition of any street or of any water-works, drain, culvert or premises vested in the Board, is such as to be likely to cause danger to the public, the Board shall-

(a) take all reasonable means for the protection of the adjacent buildings and land and provide reasonable means of access thereto;

(b) cause sufficient barriers or fences to be erected for the security of life and property, and cause such barriers or fences to be sufficiently lighted from sunset to sunrise.

259. Names of streets and numbers of buildings : (1) A Board may determine the name or number by which any area, street or public place in the cantonment shall be known and may cause name or number to be affixed on any buliding in the cantonment in such places as it thinks fit and may also cause a number to be affixed to any such building.

(2) Whoever destroys, pulls down, defaces or alters any such name or number or puts up any name or number differing from that put up by the order of the Board shall be punishable with fine which may extend to one thousand rupees.

(3) When a name or number has been affixed to any building under sub-section (1), the owner of the building shall maintain the name or number in order, and shall replace it if removed or defaced, and if the fails to do so the Chief Executive Officer may by notice in writing require him to replace it.

260. Group Housing Schemes : A Board, may in accordance with the bye-laws framed for the purpose, allow the Group Housing Schemes for construction of houses.

261. Boundary walls, hedges and fences : (1) No boundary wall, hedge or fence of any material or description shall be erected in a cantonment without the permission in writing of the Chief Executive Officer.

(2) The Chief Executive Officer may, by notice in writing, require the owner or lessee of any land in the cantonment-

(a) to remove from the land any boundary wall, hedge or fence which is in his opinion unsutable, unsiightly or otherwise objectionable; or

(b) to construct on the land sufficient boundary walls, hedges or fences of such material, description or dimensions as may be specified in the norice; or

(c) to maintain the boundary walls, hedges or fences of such lands in good order:

Provided that in the case of any such boundary wall, hedge or fence which was erected with the consent or under the orders of the Chief Executive Officer or which was in existence at the commencement of this Act, the Board shall make compensation for any damage caused by the removal thereof.

(3) The Chief Executive Officer may, by notice in writing, require the owner, lessee or occupier of any such land to cut or trim any hedge on the land in such manner and within such time as may be specified in the notice.

262. Felling lopping and trimming of trees : (1) Where, in the opinion of a Board, the fellinf of any tree of mature growth standing in private enclosure inthe cantonment is necessary for any reaso, the Board may, by notice in writing require the owner, lessee or occupier of the land to fell the tree within such time as may be specified in the notice.

(2) A Board may-

(a) cause to be lopped or trimmed any tree standing on land in the cantonment which belongs to the Government; or

(b) by public notice require all owners, lessees or occupiers of land in the cantonment, or by notice in writing require the owner, lessees or occupier of any such land, to lop or trim, in such manner as may be specified in the notice, all or any trees standing on such land or to remove any dead trees from such land.

263. Digging of public land : Whoever, without the permission in writing of the Chief Executive Officer, digs up the surface of any open space in the cantonment, which is not private property, shall be punishable with fine which may extend to two thousand five hundred rupees and in the case of a continuing offence, with an additional fine which may extend to five hunderd rupees for every day after the first during which the offence continues.

264. Improper use of land : (1) If, in the opinion of the the Chief Executive Officer, the working of a quarry in the cantonment, or the removal of stone, earth or other material from the soil in any place in the cantonment, is dangerous to persons residing in or frequenting the neighourhood or such quarry or place, or creates, or is likely to create, a nuisance, the Chief Executive Officer may, by noitice in writing, prohibit the owner, lesse or occupier of such quarry of place or the person responsible for such working or removal, from continuing or permitting the working of such quarry or the moving of such material, or require him to take such steps in the matter as he may direct fior the purpose of preventing danger or abating the nuisance arising or likely to arise therefrom.

(2) If, in any case referred to in sub-section (1), the Chief Executive Officer is of opinion that such a cours is necessary in order to prevent imminent danger, he may, by order in writing, require a proper hoarding or fence to be put up for the protection of passers-by.

CHAPTER XI

MARKETS, SLAUGHTER-HOUSES, TRADES AND OCCUPATIONS

265. Public markets and slaughter house : (1) A Board may provide and maintain, on the land its control, public markets and public slaughter-houses, to such number as it thinks fit, together with stalls, shops, sheds, pens and other buildings or conveniences for the use of persons carrying on trade or business in or frequenting such markets or slaughter-houses, and may provide and maintain in any such market buildings, places machines, weights, scales and measures for the weighment or measurement of goods sold therein.

(2) When such market or slaughter-house is situated beyond cantonment limits, the Board shall have the same power for the inspection and proper regulation of the same as if it were situated within those limits.

(3) The Board may at any time by public notice, close any public market or public slaughter-house or any part thereof.

(4) Nothing in this section shall be deemed to authorise the establishment of a public market or public slaughter-house within the limits of any aerea administered by any local authority other than the Board, without the permission of such local authority or otherwise than on such conditions as such local authority may approve.

266. Use of public market : (1) No person shall, without the general or special permission in writing of the Chief Executive Officer, sell or expose for sale any animal or article in any public market.

(2) Any person contravening the provisions of this section and any animal or article exposed for sale by such person, may be summarily removed from the market by or under the orders of the Chief Executive Officer or any official of the Board authoried by him in this behalf.

267. Power to transfer by public auction, etc: (1) The Board may transfer by public auction, for any period not exceeding five years at a time, the right to occupy or use any stall, shop, standing, shed or pen in a public market, or public slaughter-house or the right to expose goods for sale in a public market or the right to weigh or measure goods sold therein, or the right to slaughter animals in any public slaughter-house:

Provided that where the Board is of opinion that such transfer of the aforesaid rights by public auction is not considered desirable or expedient, it may, with the previous sanction of the General Officer Commanding-in-Chief, the Command or in his absence, the Principal Director,-

(a) either levy such stallages, rents of fees as it thinks fit; or

(b) farm the stallages, rents and fees leviable under clause (a) for any period not exceeding one year at a time:

Provided further that the enjoyment of any such aforesaid right by any person for any length of time shall never be deemed to create or confer any tenancy right in such stall, shop, standing, shed, pen, public market or public slaughter-house.

(2) The Board may transfer by public auction or otherwise any immovable property other than in a public market or a public slaugter house if such property is capable of being put to remunerative use for such period and on such terms and conditions as may be approved by the General Officer Commanding-in-Chief, the Command or in his absence, the Principal Director.

268. Stallages, rents, etc., to be published: A copy of the table of stallages, rents and fees, if any, leviable in any public market or public slauhter-house, and of the bye-laws made under this Act for the purpose of regulating the use of such market or slaughter-house, printed in English language or in such other language or languages as the Board may direct, shall be affixed in some conspiocuous place in the market or slaughter-house.

269. Private markets and slaughter-house: (1) No place in a cantonment other than a public market shall be used as a market, and no place in a cantonment other than a public slaughter-house shall be used as a laughter-house, unless such place has been licened as a market or slaughter-house, as the case may be, by the Board:

Provided that nothing in this sub-section shall apply in the case of a slaughter-house established and maintained by the Central Government or the State Government, as the case may be.

(2) Nothing in sub-section (1) shall be deemed-

(a to restrict the slaughter of any animal in any place on the occasion of any festival or ceremoney, subject to such conditions as to prior or subsequent notice as the Chief Executive Officer with the previous sanction of the District Magistrate may, by public or special notice, impose in this behalf; or

(b) to prevent the Chief Executive Officer, with the sanction of the Board, from setting apart places for the slaughter of animals in accordance with religious custom.

(3) Whoever omits to comply with any condition imposed by the Chief Executive Officer under clause (a) of sub-section (2) shall be punishable with fine which may extend to five thousand rupees and, in the case of continuing offence, with and additional fine which may extend to one thousand rupees for every day after the first during which the offence is continued.

270. Conditions of grant of licence for private market or slaughter-house: (1) A Board may charge such fees as it thinks fit to impose for the grant of a licence to any person to open a private market or private slaughter-house in the cantonment, and may grant such licence subject to such conditions, consistent with this Act and any bye-laws made thereunder, as it thinks fit to impose.

(2) The Board may refuse to grant any such licence without giving reasons for such refusal.

271. Penalty for keeping market or slaughter-house open without licence, etc: (1) Any person who keeps open for public use any market or slaughter-house in respect of which a licence is required by or under this Act, without obtaining licence therefor, or while the licence therefor is suspended, or after the same has been cancelled, shall be punishable with fine which may extend to five thousand rupees and, in the case of a continuing offence, with an additional fine which may extend to five hundred rupees for every day after the first during which the offence is continued.

(2) When a licence to open a private market or private slaughter-house is granted or refused or is suspended or cancelled, the Board shall cause a notice of the grant, refusal, suspension or cancellation to be pasted in English or such language or languages as it thinks necessary in some conspicuous place by or near the entrance to the place to which the notice relates.

272. Penalty for using unlicensed market or slaughter-house: Whoever, knowing that any market or slaughter-house has been opened to the public without a licence having been obtained therefor when such licence is required by or under this Act, or that the licene granted therefor is for the time being suspended or that it has been cancelld, sells or exposes for sale any article in such market, or slaughters any animal in such slaughter-house, shall be punishable with fine which may extend to five thousand

rupees and, in the case of a continuing offence, with an additional fine which may extend to five hundred rupees for every day after the first during which the offence is continued.

273. Prohibition and restriction of use of slaughter-house: (1) Where, in the opinion of the Chief Executive Officer, it is necessary on sanitary grounds so to do, he may, by public notice, prohibit for such period not exceding one month, as may be specified in the notice, or for such further periods not exceeding one month, as he may specify by a like notice, the use of any private slaughter-house specified in the notice, or the slaughter theren of any animal of any description o specified.

(2) A copy of every notice issued under sub-section (1) shall be conspicuously pasted in the slaughter-house to which it relates.

274. Power to inspect slaughter-houses: (1) Any official of a Board, authorised by order in writing in this behalf by the Chief Executive Officer or the Health Officer, may, if he has reason to believe that any animal has been, is being, or is about to be slaughtered in any place in contravention of the provisions of this Chapter, enter into and inspect any such place at any time, whether by day or by night.

(2) Every such order shall specify the place to be entered and the locality in which the same is situated and the period, which shall not exceed seven days for which the order is to remain in force.

275. Power to regulate certain activites: A Board may, by order, regulate all or any of the following matters, namely:-

(a) the days on, and the hours during, which any private market or private slaughter-house may be kept open for use;

(b) the regulation of the design, ventilation and drainage of such market or laughter-houses, and the material to be used in the construction thereof;

(c) the keeping of such markets and slaughter-houses and lands and buildings appertaining thereto in a clean and sanitary condition, the removal of filth and refuse therefrom, and the supply therein of pure water and of a sufficient number of latrines and urinals for the use of persons using or frequenting the same;

(d) the manner in which animals shall be stalled at a slaughter-house;

(e) the manner in which animals may be slaughtered;

(f) the disposal or destruction of animals offered for slaughter which are, from disease or any other cause, unfit for human consumption;

(g) the destruction of carcasses which from disease or any other cause are found after slaughter to be unfit for human consumption; and

(h) any other matter with respect to the regulation of such markets and slaughter-houses.

Trades and occupations

276. Provision of washing places: (1) A Board may provide suitable places for the exercise by washermen of their calling, and may require payment of such fees for the use thereof as it thinks fit.

(2) Where the Board has provided such places as aforesaid it may, by public notice, prohibit the washing of clothes by washermen at any other place in the cantonment.

Provided that such prohibition shall not be deemed to apply to the washing by a washerman of his own clothes or of the clothes of any other person who is an occupier of the place at which they are washed.

(3) Whoever contravenes any prohibition contained in a notice issued under sub-section (2) shall be punishable with fine which may extend to five hundred rupees.

277. Licences required for carrying on of certain occupations: (1) No person of any of the following classes, namely:-

(a) butchers and vendors of poultry, game of fish;

(b) persons keeping pigs for profit, and dealers in the flesh of pigs which have been slaughtered within or without cantonment;

(c) persons keeping milch cattle or milch goats for profit;

(d) persons keeping for profit any animals ther than pigs, mitch cattle or milch goats;

(e) dairymen, buttermen and makers and vendors of ghee;

(f) makers of bread, biscuits or cake and vendors of bread, biscuits or cake made within or wiothout cantonment;

(g) vendors of fruits or vegetables;

(h) manfacturers of acrated or other potable waters or of ice or ice-cream, and vendors of the same;

(i) vendors of any medicines, drugs or articles of food or drink for human consumption (other than the flesh of pigs, milk, butter, bread, biscuits, cake, fruit, vegetables, aerated or other potable waters or ioe or ice-cream) which are of a perishable nature;

(j) vendors of spirituous liquior;

(k) vendors of water to be used for drinking purposes;

(l) washermen;

(m) dealers in hay, straw, wood, charcoal or other inflamable material;

(n) dealers in fire-works, kerosene oil, petroleum or any other inflammable oil or spirit;

(o) tanners and dyers;

(p) persons carrying on any trade or occupation from which offensive or unwholesome smells arise;

(q) vendors of wheat, rice and other grain or of flour;

(r) makers and vendors of sugar or sweetmeats;

(s) barbers and keepers of shaving saloons;

(t) any other person carrying on such other trade, calling or occupation as the Central Government may, by notification in the Official Gazette, specify in this behalf, shall carry on his trade, calling or occuption in any part of a cantonment unless he has applied for and obtained a licence in this behalf from the Board.

(2) A licence granted under sub-section (1) shall be valid until the end of the year in which it is issued and the grant of such licence shall not be withheld by the Board unless it has reason to belive that the business which it is intended to establish or maintain would be offensive or dangerous to the public or that the premises in which the business is intended to be established or maintained are unfit or unsuitable for the purpose.

(3) Notwithstanding anything contained in sub-section (1),-

(a) no person who was, at the commencemen of this Act, carrying on his trade, calling or occupation in any part of a cantonment shall be bound to apply for a licence for carrying on such trade or occupation in that part until he has received from the Board not less than three month's notice in writing of his obligation to do so, and if the Board refuses to grant him a licence, it shall pay compensation for any loss incurred by reason of such refusal;

(b) no person shall be required to take out a licence for the sale or storage of petroleum or for the sale or possession for sale of poisons or white arsenic in any case in which he is required to take out a licence for such sale, storage, or possession for sale by or under the Petroleum Act, 1934, (30 of 1934) or the Poisons Act. 1919. (12 of 1919)

(4) The Board may charge for the grant of licences, under this section suh reasonable fees, as it ma fix keeping in view the fees levied in this regard in a municipality in the State wherein such cantonment is situated.

278. Power to stop use of premises used in contravention of licences: If the Chief Executive Officer is of opinion that any eating house, lodging house, hotel, boarding house, tea shop, coffee house, cafe, restaurant, refreshment room or other place where public is admitted for repose or for consumption of any food or drink or where food is sold or prepared for sale or any theatre, cinema hall, circus, dancing hall or similar other place of public resort, recreation or amusement is kept open without a license or otherwise than in conformity with the terms of a license granted in respect thereof, he may stop the use of any such premises for any such purpose for a specified period by such means as he may consider necessary.

279. Conditions which may be attached to licences: A licence granted to any person under section 277 shall specify the part of the cantonment in which the licensee may carry on his trade, calling

or occupation, and may regulate the hours and manner of transport within the cantonment of any specified articles intended for human consumption, and may contain any other conditions which the Board think fit to impose in accordance with bye-laws made under this Act.

General provisions

280 Power to vary licence: If the Board is satisfied that any place used under a licence granted under this Chapter is a nuisance or is likely to be dangerous to life, health or property, the Board may, by notice in writing, require the owner, lessee or occupier thereof to discontinue the use of such place or to effect such a lternations, additions, or improvements as will, in the opinion of the Board, render it no longer a nuisance or dangerous.

281. Carrying on trade, etc., without licence or in contravention of section 280: Whoever carries any trade, calling or occupation for which a licence is required without obtained a licence therefor or while the licence therefor is suspended or after the same has been cancelled, and whoever, after receiving a notice under section 280, uses or allows to be used any building or place in contravention thereof, shall be punishable with fine which may extend to five thousand rupees and, in the case of a continuing offence, with an additional fine which may exten to five hundred rupees for every day after the first during which the offence is continued.

282. Feeding animals on dirt, etc: Whoever feeds or allows to be fed on filthy or deleterious substances any animal, which is kept for the purpose of supplying milk to, or which is intended to be used as food for, the inhabitants of a cantonment or allows it to graze in any place in which grazing has, for sanitary reasons, been prohibited by public notice by the Board shall be punishable with fine which may exten to one thousand rupees.

Entry, inspection and seizure

283. Powers of entry and seizure: (1) The resident or the Vce-resident, the Chief Executive Officer, the Health Officer, the Assistant Health Officer, or any other official of a Board authorised by it in writing in this behalf-

(a) may at any time enter into any market, building,shop, stall or other place in the cantonment for the purpose of inspecting and may inspect, any animal, article or thing intended for human food or drink or for medicine, whether exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale, or of preparation for sale, or any utensil or vessel for preparing, manufacturing or containing any such article, or thing, and may enter into and inspect any place used as a slaughter-house and may examine any animal or article therein;

(b) may seize any such nimal, article or thing which appears to him to be diseased, or unwholesome or unfit for human food or drink or medicine, as the case may be, or to be adultered or to be not what it is represented to be, or any such utensil or vessel which is of such a kind or in such a state as to render any article prepared, manufactured or contained terein unwholesome or unfit for human food, drink or medicine, as the case may be.

(2) Any article seized under sub-section (1) which is of a perishable nature may, under the orders of the Health Officer or the Assistant Health Officer, forthwith be destroyed if, in his opinion, it is diseased, unwholesome or unfit for human food, drink or medicine, as the case may be.

(3) Every animal, article, utensil, vessel or other thing seized under sub-section (1) shall, if it is not destroyed under sub-section (2), be taken befre a Magistrate who shall give orders as to its disposal.

(4) The owners or person in possession, at the time of seizure under sub-section (1), of any animal or carcass which is diseased or of any article or thing which is unwholesome or unfit for human food, drink or medicine, as the may be, or is adulterated or is not what it is represented to be, or of any utensil or vessel which is of such kind or in such state as is described in clause (b) of sub-section (1), shall be punishable with fine which may extend to five thousand rupees, and the animal, article, utensil, vessel or other thing shall be liable to be forfeited to the Board or to be destroyed or to be so disposed of as to prevent it being exposed for sale or used for the preparation of food, drink or medicine, as the case may be.

Explanation I : If any such article , having been exposed or stored in, or brought to, any place mentioned in sub-section (1) for sale as ghee, contains any substance not exclusively derived from milk, it shall be deemed, for the purposes of this section, to be an article which is not what it is represented to be.

Explanation II : Meat subjected to the process of blowing shall be deemed to be unfit for human food.

Explanation III : The article of food or drink shall not be deemed to be other than what it is represented to be merely by reason of the fact that there has been added to it some substance not injurious to health:

Provided that -

(a) such substance has been added to the article because the same is required for the preparation or production thereof as an article of commerce in a state fit for carriage or consumption and not fraudulently to increase the bulk, weight or measure of the food or drink or conceal the inferior quality thereof; or

(b) in the process of production, preparation or conveyance of such article of food or drink, the extraneous substance has unavoidably become intermixed therewith; or

(c) the owner or person in possession of the article has given sufficient notice by means of a label distinctly and legibly written or printed thereon or therewith, or by other means of a public description, that such substance has been added; or

(d) such owner or person has purchased the article with a written warranty that it was of a certain nature, substance and quality and had no reason to believe that it was not of such nature, substance and quality, and has exposed it or hawked it about or brought it for sale in the same state and by the same aescription as that in and by which he purchased it.

Import of cattle and flesh

284. Import of cattle and flesh : (1) No person shall, without the permission in writing of the Chief Executive Officer, bring into cantonment any animal intended for human consumption, or the flesh of any animal slaughtered outside the cantonment otherwise than in a slaughter-house maintained by the Central Government or the State Government or the Board;

Provided that the Chief Executive Officer shall not grant such permission unless he has considered the recommendation of the Health Officer made in this behalf.

(2) Any animal or flesh brought into a cantonment in contravention of sub-section (1) may be seized by the Chief Executive Officer or by any official of the Board and sold or otherwise disposed of as the President of the Board my direct, and, if it is sold, the sale proceeds may be credited to the cantonment fund.

(3) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to two thousand five hundred rupees.

(4) Nothing in this section shall be deemed to apply to cured or preserved meat or to animals driven or meat carried through a cantonment for consumption outside therefore, or to meat brought into a cantonment by any person for his immediate domestic consumption:

Provided that the Board may, by public notice, direct that the provisions of this section shall apply to cured or preserved meat of any specified escription or brought from any specified place.

CHAPTER XII

SPIRITUOUS LIQUORS AND INTOXICATING DRUGS

285. Unauthorised sale of spirituous liquior or intoxicating drug: If within a cantonment, or within such limits adjoining a cantonment as the Central Government may, by notification in the Official Gazette, define, any person not subject to Army, Navy or Air Force law, or any person subject to Army, Navy or Air Force law, otherwise than as a military officer or a soldier knowingly barters, sells or supplies, or offers or attempts to barter, sell or supply, any spirituous liquor or intoxicating drug to or for the use of any soldier or soldier's wife or minor child without the written permission of the Officer Commending the station, or of some person authorised by the Officer Commanding the station, to grant such permission, he shall be punishable with fine which may extend to five thousand rupees, or with imprisonment for a term which may extend to six months, or with both.

286. Unauthorised possession of spirituous liquor: If within a cantonment, or within any limits defined under section 285-

(a) any person subject to, Army, Navy or Air Force law, otherwise than as a military officer or a soldier; or

(b) the wife or servant of any such person or of a soldier, has in his or her possession, except on behalf of the Central Government or for the private use of a militry officer, more than one quart of any spirituous liquior, other than fermented malt-liquor, without the written permision of the Officer Commending the station or of some person authorised by the Officer Commending the station, to grant such permission, he or she shall be punishable, in the case of a first offence, with fine which may extend to two thousand five hundred rupees, and in the case of a subsequent offence, with imprisonment for a term which may extend to three months, or with fine which my extend to five thousand rupees.

287. Arrest of persons and seizure and confiscation of things for offences against the two last foregoing sections: (1) Any police officer or excise officer may, without an order from a Judicial Magistrate, and without a warrant, arrest any person whom he finds committing an offence under section 285 or section 286, and may seize and detain any spirituous liquor or intoxicating drug in respect of which such an offence has been committed and any vessels or coverings in which the liquor or drug is contained.

(2) Where a person accused of an offence under section 285 has been previously convicted of an offence under that section, an officer in charge of a police station may, with the written permission of a judicial Magistrate, seize and detain any pirituous liquior or intoxicating drug within the cantonment or within any limits defined under that section which, at the time of the alleged, commision of the subsequent offence, belonged to, or was in the possession of, such person.

(3) The court convicting a person of an offence under section 285 or section 286 may order the confiscation of the whole or any part of anything seized under sub-section (1) or sub-section (2).

(4) Subject to the provisions of Chapter XXXIV of the Code of Criminal Procedure, 1973, anything, seized under sub-section (1) or sub-section (2) and not confiscated under sub-section (3) shall be restored to the person from whm it was taken.

288. Savings of articles sold or supplied for medicinal purposes: The foregoing provisions of this Chapter shall not apply to the sale or supply of any article in good faith for medicinal purposes by a medical practitioner, chemist or druggist authorised in this behalf by a general or special order of the Officer Commanding the station.

CHAPTER XIII
PUBLIC SAFETY AND SUPPRESION OF NUISANCES
General Nuisances

289. Penalty for causing nuisances.- (1) Whoever-

(a) in any street or other public place within a catonment,-

(i) is drunk and disorderly or drunk and incapable of taking care of himself; or

(ii) uses any threatening, abusive or insulting words, or behaves in a threatening or insulting manner with intent to provoke a breach of the peace, or whereby a breach of the peace is likely to be occasioned; or

(iii) eases himself, or willfully or indecently exposes his person; or

(iv) loiters, or begs mportunately, for alms; or

(v) exposes or exhibits, with the object of exciting charity, any deformity or disease or any offensive sore or wound; or

(vi) carries meat exposed to public view; or

(vii) is found gaming ; or

(viii) pickets animals, or collects vehicles; or

(ix) being engaged in the removal of night-soil or other offensive matter or rubbish, willfully or negligently permits any portion thereof to spill or fall, or neglects to sweep away or otherwise effectually to remove any portion thereof which may spill or fall in such street or place; or

(x) without proper authority affixes upon any building, monument, post, wall, fence, tree or other thing, any bll, notice or other document; or

(xi) without proper authority defaces or writes upon or otherwise marks any building, monment, post, wall, fence, tree or other thing; or

(xii) without proper authority removes, destroys, defaces or otherwise obliterates any notice or other document put up or exhibited under this Act; or

(xiii) without proper authority displaces, damages, or makes any alteration in, or otherwise interferes with the pavement, gutter, storm water-drain, flags or other materials of any such street, or any lamp, bracket, direction-post, hydrant or water-pipe maintained by the Board in an such street or public place, or extinguiashes a public light; or

(xiv) carries any corpse not decently covered or without taking due precautions to prevent risk of infection or injury to the public health or annoyance to passers-by or to persons dwelling in the neighbourhood; or

(xv) carries night-soil or other offensive matter or rubbish at any hour prohibited by the Chief Executiv Officer by public notice, or in any pattern of vehicle or receptacle which has not been approved for the purpose by the Chief Executive Officer, or fails to close such vehicle or receptable when in use; or

(b) carries night-soil or other offensive matter or rubbish along any route in contravention of any prohibition made in this behalf by the Chief Executive Officer by public notice; or

(c) deposits, or causes or permits to be deposited, earth or materials of any description, or any offensive matter or rubbish, in any place not intended for the purpose in any street or other public place or waste or unoccupied land under the management of the Board; or

(d) having charge of a corpse fails to bury, burn or otherwise lawfully dispose of the same within twenty-four hours after death; or

(e) makes any grave or buries or burns any corpse in any place not set apart for such purpose; or

(f) keeps or uses, or knowingly permits to be kept or used, any place as a common gaming house, or assists in conducting the business of any common gaming house; or

(g) at any time or place at which the same has been prohibited by the Chief Executive Officer by public or special notice, beats a drum or tom-tom, or blows a horn or trumpet, or beats any utensil, or sounds any brass or other instrument, or plays any music; or

(h) disturbs the public peace or order by singing, screaming or shouting or by using megaphone or loud-speaker; or

(i) lets loose any animal so as to cause, or negligently allows any animal to cause, injury, danger, alarm or annoyance to any person; or

(j) being the occupier of any building or land n or upon which an animal dies, neglects within three hours of the death of the animal, or, if the death occurs at night, within three hours after sunrise, either-

(i) to report the occurrence to the Chief Executive Officer or to an officer, if any, appointed by him in this behalf with a view to securing the removal and disposal of the carcass by the public conservancy establihment; or

(ii) to remove and dispose of the carcass in accordance with any general directions given by the Board by public notice or any special direction given by the Chief Executive Officer on receipt of such report as aforesaid; or

(k) save with the written permision of the Chief Executive Officer and in such manner as he my authorise, stores or uses night-soil, manure, rubbish or any other substance emitting an offensive smell; or

(l) uses or permits to be used as a latrine an place not intended for the purpose; or

(m) uses or permits to be used without previous permission of the Chief Executive Officer any premises for any trade involving offensive smell or smoke; shall be punishable with fine which may extend to two thousands five hundred rupees.

(2) Whoever does not take reasonable means to prevent any child under the age of twelve years being in his charge from easing himself in any street or other public place within the cantonment shall be punishable with fine which may extend to two hundred-fifty rupees.

(3) The owner or keeper of any animal found picketed or staying without a keeper in a street or other public place in a cantonment shall be punishable with fine which may extend to one thousand rupees.

(4) Any anmal found picketed or straying as aforesaid may be removed by any officer or employee of the Board to a pound.

(5) Whoever in a cantonment manufactures, supplies, carries or uses for packaging or any other purposes material of non-biodegradable nature including polythene bags shall be punished with fine which may extend to five thousand rupees or imprisonment which my extend to six months.

Dogs

290. Registration and control of dogs: (1) A Board may make bye-laws to provide for the registration of all dogs kept within the cantonment.

(2) Such bye-laws shall-

(a) require the registration, by an officer authorised in this behalf of all dogs kept in the cantonment;

(b) require that every registered dog shall wear a collar to which shall be attached a metal token to be issued by the registration authority, and fix the fee payable for the issue thereof;

(c) require that any dog which has not been registered or which is not wearing such token shall, if found in any public place, be detained at a place set apart for the purpose; and

(d) fix the fee which shall be charged for such detention and provide that any such dog shall be liable to be destroyed or otherwise disposed of unless it is claimed and the fee in respect thereof paid within one week; and may provide for such other matters as the Board thinks fit.

(3) The Chief Executive Officer may-

(a) cause to be destroyed, or to be confined for such period as he may direct, any dog or other animal which is, or is reasonably suspected to be, suffering from rabies, or which has been bitten by any dog or other animal suffering or suspected to be suffering from rabies;

(b) by public notice direct that, after such date as may be specified in the notice, dogs which are without collars or without marks distinguishing them as private property and are found straying on the streets or beyond the enclosures of the houses of their owner, if any, may be destroyed, and cause them to be destroyed accordingly.

(4) No damages shall be payable in respect of any dog or other animal destroyed or otherwise disposed of under this section.

(5 Whoever, being the owner or person in charges of any dog, neglects to restrain it so that it shall not be at large in any street without beings muzzled and without being secured by a chain lead in any case in which-

(a) he knows that the dog is likely to annoy or intimidate any person; or

(b) the Board has, by public notice during the prevalence of rabies, directed that dogs shall not be at large without muzzles and chain leads, shall be punishable with fine hich may extend to one thousand rupees.

(6) Whoever in a cantonment-

(a) allows any ferocious dog which belongs to him or is in his charge to be at large without being muzzled; or

(b) sets on or urges any dog or other animal to attack, worry or intimidate any person, or

(c) knowing or having reason to believe that any dog or animal belonging to him or in his charge has been bitten by an animal suffering or reasonably suspected to be suffering from rabies, neglects to give immediate information of the fact to the Chief Executive Officer or gives information which is false, shall be punishable with fine which may extend to two thousand rupees.

Traffic

291. Traffic rule of the road: Whoever in driving, leading or propelling a vehicle along a street fails, except in a case of actual necessity,-

(a) to keep to the left when passing a vehicle coming from the opposite direction; or

(b) to keep to the right when passing a vehicle going in the same direction as himself, shall be punishable with fine which may extend to five hundred rupees.

Prevention of fire, etc.

292. Use of inflammable materials for building purposes: (1) The Chief Executive Officer may, by public notice, direct that within such limits in the cantonment as may be specified in the notice, the roofs and external walls of huts or other bildings shall not, without the permission in writing of the Chief Executive Officer be made or renewed of grass, mats, leaves or other inflammble materials, and may, by notice in writing, require any person who has disobeyed any such direction as aforesaid to remove or alter the roofs or walls so made or renewed.

(2) The Chief Executive Officer may, by notifice in writing, require the owner of any building in the cantonment which has an external roof or wall made of any such material as foresaid to remove such roof or wall within such time as may be specified in the notice, notwithstanding that a public notice under sub-section (1) has not been issued or that such roof or wall was mades with the consent of the Chief Executive Officer or before the issue of such public notice:

Provided that, in the case of any such roof or wall in existence before the issue of such a public notice or mades with the consent of the Chief Executive Officer, it shall make compensation, not exceeding the original cost of constructing the roof or wall, for any damage caused by the removal.

293. Stacking or collecting inflammable materials: A Board may, by a public notice, prohibit in any case where such prohibition appears to it to be necessary for the prevention of danger to life or property, the stacking or collecting of wood, dry grass, or other inflammable materials, or the placing of mats or thatched huts or the lighting of fires in any place in the cantonment, or within any limits therein, which may be specified in the notice:

Provided that Chief Executive Officer may, in case of imminent danger to public life or property, enforce such prohibition in consultation with the President or the Vice-president in the absence of the President.

294. Care of naked lights: No person shall set a naked light on or near any building in any street or other public place in a cantonments in such manner as to cause danger of fire:

Provided that nothing in this section shall be deemed to prohibit the use of lights for purpose of illumination on the occasion of a festival or public or private entertainment.

295. Regulation of cinematographic and dramatic perfomances: (1) Notwithstanding anythng contained in any other law relating to sanctioning of cinematograph films for exhibition, no exhibition of pictures or others optical effects by means of a cinematograph or other like apparatus for the purpose of which inflammable films are used, and no public dramatic performance, pantomime, circus, carnival, exhibition, dance or other similar show for public recreation or amusement, shall be given in any cantonment elsewhere than in premises for which a licence has been granted by the Chief Executive Officer under this section.

(2) If the owner of a cinematograph or other apparatus uses the apparatus or allows it to be used, or if any person takes any part in any public dramatic performance, pantomime, circus, carnival, xhibition, dance or other similar show for public recreation or amusement, in contravention of the provision of this section, or if the occupier of any premises allows them to be used in contravention of the provisions of this section or of any condition of any licence granted under this section, he shall be punishable with fine which may extend to five thousand rupees, and , in the case of continuing offence, with an additional fine which may extend to two thousand rupees for each day after the first during which the offence continues.

(3) Nothing in this section shall be deemed to prohibit the giving of any exhibition or any dramatic performance, pantomine, circus, carnival, exhibition, dance or other similar show for public recreation or amusement, in any theatre or institute which is the property of Government where the exhibition,

performance, pantomime, circus, carnival, exhibition, dance or other similar show for public recreation or amusement, is held with the permission and under the control of the military authorities.

296. Discharging fire-works, fire-arms, etc: Whoever in a cantonment discharges any fire-arm or lets off fire-works or fire-ballons, or detonates or engages in any game or carries on works such as quarries, blasts, timber cutting or building operation in such manner as to cause or to be likely to cause danger to persons passing by or dwelling or working in the neighbourhood or risk of injury to property shall be liable to fine which may extend to two thousand five hundred rupees.

297. Power to re-quire buildings, wells, etc., to be rendered safe: Where in a cantonment any building, or wall, or anything affixed thereto, or any well, tank, reservoir, pool, depression, or excavation, or any bank or tree, is the opinion of the Chief Executive Officer, ina ruinous state or, for want of sufficient repairs, protection or enclosure, a nuisance or dangerous to persons passing by or dwelling or working in the neighbourhood, the Chief Executive Officer, by notice in writing may, require the owner, or part-owner or person claiming to be the owner or part-owner thereof, or, failing any of them, the occupaier, thereof, to remove the same or may require him to repair, or to protect or to enclose, the same in such manner as he thinks necessary; and, if the danger is, in the opinion of the Chief Executive Officer, imminent, he shall forthwith take such steps as he thinks necessary to avert the same.

298. Enclosure of wasteland used for improper purposes: The Chief Executive Officer may, by notice in writing, require the owner or part-owner, or person claiming to be the owner or part-owner of any building or land in the cantonment, or the lessee or the person claiming to be the lessee of any such land, which, by reason of disuse or disputed ownership or other cause, has remained unoccupied and has become the resort of idle and disorderly persons or of persons who have no ostensible means of subsistence or cannot give a satisfactory account of themselves, or is used for gaming or immoral purposes, or otherwise occasions or is likely to occasion a nuisance to ensure and enclose the same within such time as may be specified in the notice.

CHAPTER XIV
REMOVAL AND EXCLUSION FROM CANTONMENTS AND SUPPRESSION OF SEXUAL IMMORALITY

299. Power to remove brothels and prostitutes: The Officer Commanding the Station or the Board may, on receiving information that any building in the cantonment is used as a brothel or for purposes of prostitution, by order in writing setting forth the substance of information received, summon the owner, lessee, tenant or occupier of the building to appear before him or the Board as the case may be either in person or by an authorised agent, and, if the Officer Commanding the Station or the Board, is then satisfied as to the truth of the information, may, by order in writing, direct the owner, lessee, tenant or occupier, as the case my be, to discontinue such use of the building within such period as may be specified in the order.

300. Penalty for loitering and importuning for purposes of prostitution: (1) Whoever in a cantonment loiters for the purpose of prostitution or importances any person to the commission of sexual immorality, shall be punishable with imprisonment which may extend to three months, or with fine which may extend to five thousand rupees and in case of subsequent offence shall be punishable with imprisonment which may extend to one year.

(2) No prosecution for an offence under this section shall be instituted except on the comlaint of the person importuned, or of a military officer in whose resence the offence was committed, or of a member of the Military, Naval or Air Force Police, being employed in the cantonment and authorised in this behalf by the Officer Commanding the Station, in whose presence the offence was committed, or of a police officer not below the rank of Assistant Sub-Inspector, who is deployed in the cantonment and authorised in this behalf by the Officer Commanding the Station with the concurrence of District Magistrate.

301. Removal of persons from cantonment: If the Officer Commanding the Station or the Board is, after such inquiry as he or it thinks necessary, satisfied that any person residing in or freuenting the cantonment is a protitute or has been convicted of an offence, under section300, or of the abetment of such an offence he or, as the case may be, the Board may cause to be served on such person an order in

writing requiring such person to remove from the cantonment within such time as may be specified in the order, and prohibiting such person from re-entering it without the permission in writing of the Officer Commanding the Station or the Board.

302. Removal and exclusion from cantonment of disordery persons: (1) A Judicial Magistrate of the First Class, having jurisdiction in a cantonment, on reeiving information that any person residing in or frequenting the cantonment-

(a) is a disorderly person who has been convicted more than once of gaming or who keeps or frequents, a common gaming house, a disorderly drinking hop or a disorderly house of any other description; or

(b) has been convicted more than once either within the cantonment or elsewhere, of an offence punishable under Chapter XVII of the Indian Penal Code; or (45 of 1860)

(c) has been ordered under Chapter VIII of the Code of Criminal Procedure, 1973, (2 of 1974) either within the cantonment or elsewhere to execute a bond for his good behaviour, may record in writing the substance of the information received, and may issue a summon to such person requiring him to appear and show cause why he should not be required to remove from the cantonment and be prohibited from re-entering it.

(2) Every summons issued under sub-section (1) shall be accompanied by a copy of the record afresaid and the copy shall be served along with the summon on the person against whom the summon is issued.

(3) The Magistrate shall, when the person so summoned appears before him, proceed to inquire into the truth of the information received and take such further evidence as he thinks fit, and if upon such inquiry it appears to him that such person is a person of any kind desceribed in sub-section (1) and that it is necessary for the maintenance of good order in the cantonment that such person is required to be removed therefrom and be prohibited from re-entering the cantonment, the Magistrate shall inform the matter to the Officer Commanding the Station and, the Officer Commanding the Station shall cause to be served on such person an order in writing requiring him to remove from the cantonment within such time as may be specified in the order and prohibiting him from re-entering it without the permission in writing of the Officer Commanding the Station.

303. Removal and exclusion from cantonment of seditious persons: (1) If any person in a cantonment causes or attempts to cause or does any act which he knows is likely to cause disloyalty; disafection or breach of discipline amongst any portion of the forces or is a person who, the Officer Commanding the Station has reason to believe, is likely to do any such act, the Officer Commanding the Station may make an order in writing setting forth the reasons for making of the same and requiring such person to remove from the cantonment within such time as may be specified in the order and prohibiting him from re-entering it without the permission in writng of the Officer Commanding the Station:

Provided that no order shall be made under this section against any person unles he has had a reasonables opportunity of being informed of the grounds on which it is proposed to make the order and of showing cause why the order should not be made.

(2) Every order made under sub-section (1) shall be sent to the Superintendent of Police of the District, who shall cause a copy thereof to be served on the person concerned.

(3) Upon the making of any order under sub-section (1), the Officer Commanding the Station shall forthwith send a copy of the same to the Central Government.

(4) The Central Government may of its own motion and shall on application made to it in this behalf within one month of the date of the order by the person against whom the order has been made, call upon the District Magistrate to make after such inquiry as the Central Government may prescribe a report regarding the justice of the order and the necessity therefor:

Provided that at every such inquiry the person against whom the order has been made shall be given an opportunity of being heard in his own defence.

(5) The Central Government may, at any time after the receipt of the copy of an order sent under sub-section (3) or where a report has been called for under sub-section (4), on receipt of that report, if it is of opinion that the order should be varied or rescinded, make such orders thereon as it thinks fit.

(6) Any person who has been excluded from a cantonment by an order made under this section may, at any time after the expiry of one month from the date thereof, apply to the General Officer Commanding-in-Chief, the Command for the rescission of the same and, on such application being made, the said Officer may, after making such inquiry, if any, as he thinks necessary, either reject the application or rescined the order.

304. Penalty: Whoever-

(a) fails to comply with an order issued under this Chapter within the period specified therein or whilst an order prohibiting him from re-entering a cantonment without permission is in force, re-enters the cantonment without such permission; or

(b) knowing that any person has, under this Chapter been required to remove from the cantonment and has not obtained the requisite permission to re-enter it, harbours or conceals such person in the cantonment, shall be punishable with fine which may extend to five thousand rupees and in case of continuing offence with an additional fine which may extend to five hundred rupees for every day after the first during which he has persisted in the offence.

CHATER XV

POWERS, PROCEDURES, PENALTIES AND APPEALS

Entry and inspection

305. Powers of entry: It shall be lawful for the President or the Vice-resident of a Board, or the Chief Executive Officer, or the Health Officer or any person specially authorised by the Chief Executive Officer, or the Health Officer or for any other person authorised by general or special order of a Board in this behalf, to enter into or upon any building or land with or without assistans or workmen in order to make any inquiry, inspection, measurement, valuation or survey, or to execute any work, which is authorised by or under this Act or which it is necessary to make or execute for any of the purposes or in pursuance of any of the provisions of this Act or of any rule, bye-law or order made thereunder:

Provided that nothing in this section shall be deemed to confer upon any person any power such as is referred to in section 274 or section 283 or to authorise the conferment upon any person of any such power.

306. Power of inspection by member of a Board: A Board may by special order authorise or order any member to inspect any work or institution constructed or maintained, in whole or part, at the expense of the Board, and any register, book accounts or other documents belonging to, or in the possession of, the Board.

307. Power of inspection, etc: (1) A Board or the Chief Executive Oficer may, by general or special order, authorise any person-

(a) to inspect any drain, privy, latrine, urinal, cesspool, pipe sewer or channel in or on an building or land in the cantonment, and, in his discretion, to cause, the ground to be opened for the purpose of preventing or removing any nuisance arising from the drain, privy, latrine, urinal, cesspool, pipe, sewer or channel, as the case may be;

(b) to examine works under construction in the cantonment, to take levels or to remove, test, examine, replace or read any meter.

(2) If, on such inspection, the opening of the ground is found to be necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or buildig, but if it is found that no nuisance exists or but for such opening would have arisen, the ground or portion of any building, drain or other work opened, injured or removed for the prpose of such inspection shall be filled in, reinstated, or made good, as the case may be by the Board or the Chief Executives Officer.

308. Power to enter land, adjoining land where work is in progress: (1) The Chief Executive Officer of a cantonment may, with or without assistants or workmen, enter on any lands within fifty yards of any work authorised by or under this Act for the purpose of depositing thereon any soil, gravel, stone or other materials, or of obtaining access to such work, or for any other purpose connected with the carrying on of the same.

(2) The Chief Executive Officer shall, before entering on any land under sub-section (1), give the occupier, or, if there is no occupier, the owner not less than three day's previous notice in writing of his intention to make such entry, and shall state the purpose thereof, and shall, if so required by the occupier or owner, offence off so much of the land as may be required for such purpose.

(3) The Chief Excutive Officer shall, in exercising any power conferred by this section do as little damages as may be, and compensation shall be payable by the Board to the owner or occupier of such land, or to both, for any such damage whether permanent or temporary.

309. Breaking into premises: It shall be lawful for any person, authorised by or under this Act to make any entry into an place, to open or cause to be opened any door, gate or other barrier-

(a) if he considers the opening thereof necessary for the purpose of such entry; and

(b) if the owner or occupier is absent, or being present refuses to open such door, gate or barrier.

310. Entry to be made in the day time: Save as otherwise expressly provided in this Act, no entry authorised by or under this Act shall be made except between the hours of sunrise and sunset.

311. Owner's consent ordinary to be obtained: Save as otherwise expressly provided in this Act, no building or land shall be entered without the consent of the occupier, or if there is no occupier of the owner thereof, and no such entry shall be made without giving the said occupier or owner, as the case may be, not less than four hours, written notice of the intention to make such entry:

Provided that no such notice shall be necessary if the place to be inspected is factory or workshop or trade premises or a place used for carrying on any trade, calling or occuption specified in section 277 or a stable for horses or a shed for cattle or a latrine, privy or urinal or a work under construction, or for the purpose of ascertaining whether any animal intended for human food is slaughtered in that place in contravention of this Act or any bye-law made thereunder.

312. Regard to be had to social and religious usages: When any place used as a human dwelling is entered under this Act, due regard shall be paid to the social and religious customs and usages of the occupants of the place entered, and no apartment in the actual occupancy of a female shall be entered or broken open until she has been informed that she is at liberty to withdraw and every reasonable facility has been afforded to her for withdrawing.

313. Penalty for obstruction: Whoever obstructs or molests any person acting on behalf of the Board, who is not a public servant withn the meaning of section 21 of the Indian Penal Code or any person with whom the Board has lawfully contracted, in the execution of his duty or of anything which he is empowered or required to do by virtue or in consequence of any of the provisions of this Act or any rule, bye-law or order made thereunder, or in fulfilment of his contract, as the case may be, shall be punishable with fine which may extend to five thousand rupees.

Powers and duties of police officers

314. Arrest without warrant: Any member of the police force employed in a cantonment may, without a warrant, arrest any person committing in his view a breach of any of the provisions of this Act which are specified in Schedule IV:

Provided that-

(a) in the case of a breach of any such provisions as is specified in Part B of Schedule IV, no person shall be so arrested who consents to give his name and address, unlesss there is reasonable ground for doubting the accuracy of the name or address so given, the burden of proof of which shall lie on the aresting officer, and no person so arrested shall be detained after his name and address have been ascertained; and

(b) no person shall be so arrested for an offence under section 300 except-

(i) at the request of the person importuned, or of a military officer in whose presence the offence was committed; or

(ii) by or the request of a member of the Military, Naval or Air Force Plice, who is employed in the cantonment and auithorised in this behalf by the officer Commanding the Station, and in whose presence the offence was committe or by or at the request of any police officer not below the rank of

assistant sub-inspector who is deployed in the cantonment and authorised in this behalf by the Officer Commanding the station.

315. Duties of police officers: It shall be the duty of all police officers to give immediate information to the Board of the commission of, or attempt to commit any offence against the provisions of this Act or of any rule or bye-law made thereunder, and to assist all cantonment officers and employees in the exercise of their lawful authority.

Notices

316. Notices to fix reasonable time: Where any notice, order or requisition made under this Act or any other rule or bye-law made thereunder requires anything to be done for the doing of which no time is fixed in this Act or in the rule or bye-law, the notice, order or requisition shall specify a reasonable time for doing the same.

317. Authentication and validity of notices issued by Board: (1) Every notice, order or requisition issued by a Board under this Act or any rule or bye-law made thereunder shall be signed-

(a) either by the President of the Board or by the hief Executive Officer; or

(b) by the members of any committee especially authorised by the Board in this behalf.

(2) Whenever under this Act or any rule or bye-law made thereunder the doing of, or the omission to do, anything or the validity of anything depends upon the approval, sanction, consent, concurrence, declaration, opinion or satisfaction of the Board, a written document signed by any officer or member specified in sub-section (1) purporting to convey or setforth such approval, sanction, consent, concurrence, declaration, opinion or satisfaction shall be sufficient evidence thereof.

(3) Every license, written permission, notice, bill summons or other document which is required by this Act or any rule or bye-law made there under to bear the signature of the President, Vice-resident or the Chief Executive Officer, or of any such member of any committee as has been specially authorised by the Board in this behalf shall be deemed to be properly signed if it bears facsimile of the signature of any such officer or member, as the case may be, stamped thereon.

318. Service of notice, etc: (1) Every notice, order or requisition issued under this Act or any rule or bye-law mades thereunder shall, save as otherwise expressely provided, be served or presented-

(a) by giving or tendering the notice, order or requisition, or sending it by post, to the person for whom it is intended; or

(b) if such person cannot be found, by affixing the notice order or requisition on some conspicuous part of his last known place of abode or business, if within the cantonment, or by giving or tendering the notice, order or requisition to some adult member or servant or his family, or by causing it to be affixed on some conspicuous part of the buildings or land, if any, to which it relates.

(2) When any such notice, order or requisition is required or permitted to be served upon an owner, lessee or occupier of any building or land, it shall not be necessary to name the owner, lessee or occupier therein, and the service thereof shall, save as otherwise expressly provided, be effected either-

(a) by giving or tendering the notice, order or requisition, or sending it by post, to the owner, lessee or occupier or, if there are more owners, lessees, or occupiers than one to any one of them; or

(b) if no such owner, lessee or occupier can be found, by giving or tendering the notice, order or requisition to the authorised agent, if any, of any such owner, lessee or occupier, or to an adult member or servant of the family of any such owner, lessee, occupier, or by causing it to be affixed on some conspicuous part of the building or land to which it relates.

(3) When the person on whom a notice, order or requisition is to be served is a minor, service upon his guardian or upon an adult member or servant of his family shall be deemed to be service upon the minor.

319. Method of giving notice: Every notice which, by or under this Act, is to be given or served as a public notice or as a notice which is not required to be given to an individual therein specified shall, save as otherwise expressly provided, be deemed to have been sufficiently given or served if a copy thereof is affixed in such conspicuous art of the office of the Board or in such other public place during such period, or is published in such local news paper or in such other manner, as the Board may direct.

320. Powers of Board in case of non-compliance with notice, etc: In the event of non-compliance with the terms of any notice, order or requisition issued to any person under this Act or any rule or bye-law made thereunder, requiring such person to execute any work or to do any act, it shall be lawful for the Board, or the civil area committee or the Chief Executive Officer at whose instance the notice, order or requisition has been issued whether or not the person in default is liable to punishment for such defalt or has been prosecuted or sentenced to any punishment thereof, after giving notice in writing to such person, to take such action or such steps as may be necessary for the completion of the act or work required to be done or executed by him, and all ther expenses incurred on such account shall be recoverable by the Chief Executive Officer on demend, and if not paid within ten days after such demand, shall be recoverable in the same manner as moneys recoverable by the Board under section 324:

Provided that where the action or step relates to the demolition of any erection or re-erection under section 248 or the removal of any projection or encroachment under section 252, the Board or the civil area committe or the Chief Executive officer may request any police officer to render such assistance as considered necessary for the lawful exercise of any power in this regard and it shall be the duty of such police officer to render forthwith such assistanc on such requisition.

321. Occupier not to obstruct owner when complying with notice: If the owner of any property in respect of which a notice as is referred to in section 320 has been given is prevented by the occupier from complying with such notice, the Board or civl area committe or the Chief Executive Officer at whose instance such notice has been given, may, by order, require the said occupier to permit the owner within eight days from the date of service of such notice to take all such actions as may be necessary to comply with the said notice and such owner shall, for the period during which he is prevented as aforesaid, be exempt from any fine or penalty to which he might otherwise have become liable reason of non-compliance with such notice.

Recovery of Money

322. Liability of occupier to pay in default of owner: (1) If any such notice as is referred to in section 320 has been given to any person in respect of property of which he is the owner, and he fails to comply with the notice so given, the Board or the civil area committee or the Chief Executive Officer at whose instance such notice has been issued may require any occupier of such property or of any part thereof to pay to it or him instead of to the owner any ren payable by him in respect of such property, as it falls due, up to the amount recoverable from the owner under section 320:

Provided that if the occupier, on application made to him by the Board or the civil area committee or the Chief Executive Officer at whose instance such notice has been issued, refuses to truly disclose the amount of his rent or the name or address of the person to whom it is payable, the Chief Executive Officer may recover from the occupier the whole amount recoverable under section 320 in the same manner as money is recoverable by the Board under Section 324.

(2) Any amount recovered from an occupier nstead of from an owner under sub-section (1) shall, in the absence of any contract between the owner and the occupier to the contrary, be deemed to have been paid to the owner.

323. Relief to gent and Trustees: (1) Where any person, by reasn of his receiving the rent of immovable property as an agent or trustee, or of his being as an gent or trustee the person who would receive the rent if the property were let to a tenant, would under this Act be bound to discharge any obligation imposed on the owner of the property for the discharge of which money is required, he shall not be bond to discharge the obligation unles he has or but for his own improper act or default might have had funds in his hands belonging to the owner sufficient for the purpose.

(2) The burden of proving any fact entitling an agent or trustee to relief under sub-section (1) shall lie upon him.

(3) Where any agent or trustee has claimed and established his right to relief under this section, the Board may, by notice in writing, require him to apply to the discharge of such obligation as aforesaid the first monies which may come to his hands on behalf, or for the use, of the owner and on failure to comply with the notice, he shall be deemed to be personally liable to discharge the obligation.

324. Method of recovery: (1) Notwithstanding anything elsewhere contained in this Act arrears of any tax, and any other money recoverable, including rent on land and buildings due or damages and fie due under leases or licences executed by or in favour of a Board or the Defence Estates Officer under this Act or the rules made thereunder may be recovered together with the cost of recovery either by suit or on application to a judicial Magistrate having jurisdiction in the cantonment or in any place where the person from whom such tax, rent or money is recoverable may for the time being be residing, either by the distrees and sale of movable property of such person, or by the attachment and sale of immovable property of that person, which is within the limits of the jurisdiction of such judicial Magistrate, or by both these methods, and shall, if payable by the owner of any property as such, be a charge on the property until paid:

Provided that the tools of artisans, growing crops upto the value of five thousand rupees and implements and cattle used for the purposes of agriculture shall be exempt from such distress or sale.

(2) An application to a Judicial Magistrate under sub-section (1) shall be in writing and shall be signed by the President or Vice-President of the Board or by the Chief Executive Officer or the Defence Estates Officer or the Officer Commanding the Station or any other officer authorised by any of these officers, but shall not require to be personally resented.

(3) Upon receiving the application, the Judicial Magistrte referred to in sub-section (1) may take action or the recovery of the amount of tax, rent or money from the person specified in the application as if such amount were a fine recoverable under a sentence passed by him and the provisions of section 421 and 422 of the Code of Criminal Procedure, 1973, (2 of 1974) shall, so far as may be, apply to the recovery of such amount:

Provided that the recovery of no such amount shall be made by the arrest or detention in prison of the said person.

Committees of Arbitration

325. Application for a Committee of Arbitration: In the event of an disagreements as to the liability of a Board to pay any compensation under this Act, or as to the amount of any compensation so payable, the person claiming such compensation may apply to the Board shall for the reference of the matter to a Committee of Arbitration, and the Board shall forthwith proceed to convene a Committee of Arbitration to determine the matter in dispute.

326. Procedure for convening Committee of Arbitration: When a Committee of Arbitration is to be convened, the Board shall cause a public notice to be published stating the matter to be determined, and shall forthwith send copies of the order to the Districts Magistrate, and to the other party concerned, and shall, as soon as may be, nominate such members of the Committee as it is entitled to nominate under section 327 and by notice in writing call upon the other persons who are entitled to nominate a member or members of the Committee to nominate such member or members in accordance with provisions of that section.

327. Constitution of the Committee of Arbitration: (1) Every Committee of Arbitration shall consist of fives members, namely:-

(a) a Chairman who shall be a person not in the service of the Government or the Board, and who shall be nominated by the Officer Commanding the Station;

(b) two persons nominated by the Board;

(c) two persons nominated by the other party concerned.

(2) If the Board or the other Iparty concerned or the Officer Commanding the Station fails within seven days of the date of issue of the notice referred to in section 326 to make any nomination which it or he is entitled to make or if any member who has been so nominated neglects or refuses to act and the Board or other person by whom such member was nominated fails to nominate another member in his place within seven days from the date on which it or he may be called upon to do so by the District Magistrate, the District Magistrate shall forthwith appoint a member or members, as the case may be, to fill the vacancy or vacancies.

328. No person to be nominated who has direct interest or whose services are not immediately available: (1) No person who has a direct interest in the matter under reference, or whose

service are not immediately available for the purposes of the Committee shall be nominated a member of the Committee of Arbitration.

(2) If, in the opinion of the District Mgistrate any person who has been nominated has a direct interest in the matter under reference or is otherwise disqualified for nomination or if the services of any such person are not immediately available as aforesaid and if the Board or the other person by whom any such person was nominated fails to nominates another member within seven days from the date on which it or he may be called upon to do so by the District Mgistrate, such failure shall be deemed to constitute a failure to make a nomination within the meanings of section 327.

329. Meetings and powers of Committee of Arbitration: (1) When a Committee of Arbitration has been duly constituted, the Board shall, by notice in writing inform each of the members of the fact, and the Committee shall meet as soon as may be thereafter.

(2) The Chairman of the Committee shall fix the time and place of the meetings and shall have power to adjourn any meeting from time to time as may be necessary.

(3) The Committee shall receive and record evidence, and shall have power to administer oaths to witnesses, and on requisition in writing signed by the Chairman of the Committee, the District Magistrate shall issue the necessary processes for the attendance of witnesses and the production of documents requireds by the Committee and may, enforce the said processes as if they were processes for attendances or production before hmself.

330. Decisions of Committee of Arbitration: (1) The decisions of every Committee of Arbitration shall be in accordance with the majority of votes taken at a meeting at which the Chairman and at least three of the other members are present.

(2) If there is not a majority of votes in favour of any proposed decision, the opinion of the Chairman shall prevail.

(3) The decision of a Committee of Arbitration shall be final and shall not be questioned in any court.

Prosecutions

331. Prosecutions: Save as otherwise expressly provided in this Act, no court shall proceed to the trial of any offence mades punishable by or under this Act, other than an offences specified in Schedule IV, except on the complaint of or upon information received from the Board concerned or a person authorised by the Board by a general or special order in this behalf.

332. Composition of offence: (1) The Chief Executive Officer or any person authorised by him, by general or special order in this behalf, may, either before or after the institution of the proceedings, compound an offence, made punishable by or under this Act other than an offence under Chapter XIV:

Provided that no offence shall be compoundable which is committed by failure to comly with a notice, order or requisition issued by or on behalf of the Chief Executive Officer, unless and untils the same has been complied with in so far as compliance is possible.

(2) Where an offence has been compounded, the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence so compounded.

General Penalty Provisions

333. General penalty: Whoever, in any case in which a penaltys is not expressly provideds by this Act, fails to comply with any notice, order or requisition issued uder any provision theref, or otherwise contravenes any of the provisioons of this Act, shall be punishable with fine which may extend to five thousand rupees, and, in the case of a continuing failure or contravention, with an additional fine which may extend to five hundred rupees for everyday after the first durings which he has persisted in the failure or contravention.

334. Offences by companies: (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of the businesss of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proeeded against and punished accordingly.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exerciseds all due diligence to prevent the commission of such offence.

(2) Notwithstanding anythng contained in sub-section (1), here n offence under his Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretry or other officers of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against punished accordingly.

Explanation.- For the purposes of this section,-

(a) "company" means any body corporate and includes a firm or others association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

335. Cancellation or suspension of licences, etc: Where any person to whom a licence or written permission has been granted under this Act or any agent or servant f such persons commits a breach of any of the conditions thereof, or of any bye-law mades under this Act for the purpose of regulating the manner or circumstances in, or the conditions subject o, which anything permitted by such licence or written permission is to be or may be done, or where the Board or the civil area committee, as the case may be, is satisfied that such licence or written permission has been secureds by the holder through misrepresentations or fraud, the Board or the civil area committee, as the case may be, may, without prejudice to any other penaltys which may have been incurreds under this act, by order in writing , cancel the licence or written permision or suspend it for such period as it thinks fit:

Provided that no such order shalls be made unless an opportunity has been given to the holder of the licences or written permission to show cause why it should not be made.

336. Recovery of mount payable in respect of damage to cantonment property: Where any person has incurred a penalty by reason of having caused any damage to the property of a Board, he shall be liable to make good such damage, and the mount payable in respects of the damage shall, in case of dispute, be determine by the Judicial Magistrate by whom the person incurring such penalty is convicted, and, on non-paymen of such amoun on demand, the same shall be recovered either by the distress and sal of the movable property of such person, or by the attachment nd sale of the immovables property of that person, or by both these methods and the Judicial Magistrate shall recover the amount in accordance with the provisions of sections 421 and 422 of the Code of Criminal Procedure, 1973 (2 of 1974) as if it were a fine recovable under a sentences passed by him.

Limitation

337. Limitation for prosecution: No court shall try any person or an offence made punishable by or under this Act, After the expiry of six months from the date of the commission of the offence, unless comlaint in respect of the offence has been made to a Judicial Magistrate within the six months aforesaid.

Suits

338. Protection of action of Board, etc: No suit or prosecution shall be entertained in any courts against a Board or against the Chief Executive Officer, the Officer Commanding a station, defence Estates Officer, Principal Director, General Officer Commanding n Chief, the Command, Drector General Defence Estates, or against any member of a Board, or against any officer or employee of a Board, for anything which is in good faith done or intended to be done, under this Act or any rule or bye-law made thereunder.

339. Notice to be given of suits: (1) No suit shall be instituted againsts any Board or against any member of a Board, or against any officer or employee of a Board, in respect of any act done, or purporting to have been done, in pursuance of this Act or of any rules or bye-law made thereunder, until the expiration of two months after notice in writing has been lefts at the office of the Board, and, in the case of such member, officer or employee, unless notice in writing has also been delivered to him or lefts at his office or place of abode, and unless such notice states explicitly the cause of action, the nature of the relief sought, the amount of compensation claimed, and the name and place of abode of the intending plaintiff, and unless the plaint contains a statement that such notice has been so delivered or left.

(2) If the Board or member, officer or employee has, before the suit is instituted, tendered sufficient amounts to the plaintiff, the plaintiff shall not recover any sum in excess of the amount so tendered, and shall also pay all coss incurred by the defendant after such tender.

(3) No suit, such as is describeds in sub-section (1), shall, unless it is an action for the recovery of immovable property or for a declaration of title thereto, be instituted after the expiry of six months from the date on which the cause of action arises.

(4) Nothing in sub-section (1) shall be deemed to apply to a suit in which the only relief laimed is an injunction of which the object would be defeated by the giving of the notice or the postponement of the institution of the suit or proceeding.

Apeeals and Revision

340. Appeals from executive orders: (1) Any person aggrieved by any order described in the third column of Schedule V may appeal to the appellate authority specified in that behalf in the fourth column of the said Schedule.

(2) The Central Government may, for the purposes of expeditious disposal of the pending appeals, by notification in the Official Gazette, amend Schedule V so as to designate additional appellate authority in the fourth column of the said Schedule.

(3) No such appeal shall be admitted if it is made after the expiry of the period specfied in that behalf in the fifth of the said Schedule.

(4) The period specified as aforesaid shall be computed in accordance with the provisions of the Limitation Act, 1963,(36 of 1963) with respect to the computation of periods of limitation thereunder.

341. Petition of Appeal : (1) Every appeal under section 340 shall be made by petition in writing accompanied by a copy of the order appealed against.

(2) Any such petition may be presented to the authority which made the order against which the appeal is made, and that authority shall be bound to forward it to the appellate authority, and may attach any report which it may desire to make by way of explanation.

342. Suspension of Action Pending Appeal : On the admission of an appeal from an order, other than an order contained in a notice issued under section 144, section 183, section 238, section 273 or section 302, where the appellate authority so directs, all proceedings to enforce the order and all prosecutions for any contravention thereof shall be held in abeyance pending the decision of the appeal, and, if the order is set aside on appeal, disobedince thereto shall not be deemed to be an offence.

343. Revision : (1) Where an appeal from an order made by the Board has been disposed of by the District Magistrate, either party to the proceeding may, within thirty days from the date thereof, apply through the General Officer Commanding-in-Chief, the Command to the Cnetral Government, or to such authority as the Central Government may appoint in this behalf for revision of decision.

(2) The provisions of this Chapter with respect to appeals shall apply, as far as may be, to the applications for revision made under this section.

(3) The appellate authority shall make endeavours to dispose of the appeal made under section 340 of this Act within a period of ninety days.

344. Finality of the Appellate Orders : Save as otherwise provided in section 343, every order of appellate authority shall be final.

345. Right of appellant to be heard : No appeal shall be decided this Chapter unless the appellant has been heard, or has had a reasonable opportunity of being heard in person or through a legal practitioner.

CHAPTER XVI

EULES AND BYE-LAWS

346. Power to make rules : (1) The Central Government may, after previous publication, make rules to carry out the purposes and objects of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules provide may for all or may of the following matters, namely:

(a) the manner in which, and the authority to which, application for permission to occupy land belonging to the Government in a cantonment is to be made;

(b) the authority by which such permission may be granted and the conditions to be annexed to the grant of any such permission;

(c) the allotment to Board of a share of the rents and profits accruing from property ehtrusted to its management under the provisions of section 63;

(d) the appointment, promotion, transfer, tenure of office, salaries and allowances, provident funds, pensions, gratuities, leave of absence, discipline and other condition of service of employees of Boards;

(e) the circumstances in which security shall be demanded from employees of Boards and the amount and nature of such security;

(f) the keeping of accounts by Boards and the manner in which such accounts shall be autdited and published;

(g) the definition of the persons by whom, and the manner in which, money may be paid out of a cantonment fund of cantonment development fund;

(h) the preparation of estimates of income and expenditure by Board and the definition of the persons by whom, and the conditions subject to which, such estimates may be sanctioned;

(i) the regulation of the procedure of Committees of Arbitration;

(j) the prescribing of registers, statements and forms to be used and maintained by any authority for the purposes of this Act;

(k) the grant of leave to the members of the Board;

(l) the form of notices required to be sent under this Act and the manner of their service; and

(m) any other matter which is required to be, or may be prescribed.

347. Supplemental provisions re-specting rules : (1) A rule under section 346 may be made either generally for all cantonments or for the whole or any part of one or more cantonments.

(2) The power to make rules under clause (c) of sub-section (2) of section 346 shall include power to give retrospetive effect from a date not earlier than the date of commencement of the Cantonments Act, 2006, to the rules or any of them but no restrospetive effect shall be given to any rule so as to prejudicially affect the interests of any person to whom such rule may be applicable:

Provided that where any rule has to be given retrospective operation, the reasons therefor and the effect of giving such retrospective operation shall be published along with the draft of the rules when such draft is published for eliciting public opinion under sub-section (1) of section 346.

(3) All rules made under this Act shall be published in the Official Gazette and in such other manner, if any, as the Central Government may direct and, on such publication, shall have effect as if enacted in this Act.

(4) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while if is in session, for a total perios of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so howefer, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

348. Power to make bye-laws : Subject to the provisions of this Act and of the rules made thereunder, a Board may, in addition to any bye-laws which it is empowered to make by any other provision of this Act, make bye-laws to provide for all or any of the following matters in the cantonment, namely

(1) the registration of births, deaths and marriages, and the taking of census;

(2) the enforcement of compulsory vaccination and inoculation and levy of fees where such vaccination or inoculation is carried out at the houses of residents;

(3) the regulation of the collection and recovery of taxes, tolls and fees under this Act and the refund of taxes;

(4) the regulation of any description of traffic in the streets and the enforcement of measures for the reduction of noise causes thereby or the prohibition of any description of such traffic;

(5) the manner in which vehicles standing, driven, led or propelled in the streets between sunset and sunrise be lighted;

(6) the seizure and confiscation of ownerless animals straying within the limits of the cantonments and regulation and control of cattle pounds;

(7) the prevention and extinction of fire;

(8) the construction of scaffolding for building operations to secure the safety of the general public and of persons working thereon;

(9) the regulation in any manner not specifically provided for in this Act of the construction, alteration, maintence, preservation, cleaning and repairs of drains, ventilation-shafts, pipes, water-closets, privies, latrines, urinals, cesspools and other drainage works;

(10) the regulation or prohibition of the discharge into, or deposit in, drains of sewage, polluted water and other offensive or obstructive matter;

(11) the regulation or prohibition of the stabling or herding of animals, or of any class of animals, so as to prevent danger to public health;

(12) the proper disposal of corpses, the regulation and management of burial and burning places and other places for the disposal of corpses, and the fees chargeable for the use of such places where the same are provided or maintained by Government or at the expense of the cantonment fund;

(13) the permission, regulation or prohibition of the use or occupation of any street or place by itinerant vendors or by any person for sale of articles or the exercise of any calling or the setting up of any booth or stall, and the sees chargeable for such use or occupation;

(14) the regulation and control of encamping grounds, sarais, hotels, dak-bangalows, lodging-houses, boarding-houses, buildings let in tenements, residential clubs, restaurants, eating-houses, cafes, refreshment-rooms, guest houses, holiday resorts, cinemas and places of public recreation, entertainment or resort;

(15) the regulation of the ventilation, lighting, cleansing, drainage and water-supply of the buildings used for the manufacture or sale of aerated or other potable waters and of butter, milk, sweetmeats and other articles of food or drink for human consumption;

(16) the matters regarding which conditions may be imposes by licences granted under section 295 or section 277;

(17) the control and supervision of places where dangerous or offensive trades are carried on so as to secure cleanliness therein or to minimise any injurious, offensive or dangerous effects arising or likely to arise therefrom;

(18) the regulation of the erection of any enclosure, fence, tent, awning or other temporary stucture of whatsoever material or nature on any land situated within the cantonment and the fees chargeable in respect thereof;

(19) the laying out of streets, and the regulation and prohibition of the erection of buildings without adequate provisions being made for the laying out and location of streets;

(20) the form of and the particulars which shall be contained in a development scheme or an improvement scheme and the manner in which such scheme shall be framed or altered and levy of development charges;

(21) the regulation of the use of public parks and gardens and other public places, and the protection of avenues, trees, grass and other appurtenances of streets and other public places;

(22) the regulation of the grazing of animals and the fees chargeable in respect thereof;

(23) the fixing and regulation of the use of public bathing and washing places;

(24) the regulation of the posting of bills and advertisment, and of the position, size, shape or style or name-boards, sign-boards and sign-posts;

(25) the fixation of a method for the sale of articles whether by measure, weight, piece or any other method;

(26) the rendering necessary of licences within the cantonment for-

(a) persons working as job porters for the conveyance of goods;

(b) animals or vehicles let out on hire or used for hawking articles;

(c) the proprietors or drivers of vehicles, boats or other conveyances, or of animals kept or plying for hire or used for hawking atricles;

(d) persons impelling or carrying such vehicless or other conveyances; or

(e) persons practising as nurses, mudwives or dais;

(27) the prescribing of the fee payable for any licence required under clause (26), and of the conditions subject to which such licences may be granted, revised, suspended or withdrawn;

(28) the regulation of the charges to be made for the services of such job portes and of the hire of such animals, vehicles or other conveyances, and for the remuneration of persons impelling or carrying such vehicles or conveyances as are referred to in clause(26);

(29) the prescribing of fee payable for any licence excepts as other wise specifically provided in the Act, sanction or for any written permission granted by the Chief Executive Officer;

(30) the regulation or prohibition, for purposes of sanitation or the prevention of disease or the promotion of public safety or convenience, of any act which occasions or is likely to occasion a nuisance, and, for the regulation or prohibition of which no provision is made elsewhere by or under this Act;

(31) the circumstances and the manner in which owners of buildings or land in the cantonment, who are temporarily absent, from., or not resident in, the cantonment, any be required to appoint as their agents, for all or any of the purposes of this Act of any rule or bye-law made thereunder, persons residing within or near the cantonment;

(32) the prevention of the spread of infectious or contagious diseases within the cantonment;

(33) the segregation in, or the removal and exclusion, from, the cantonment, or the destruction, of animals suffering from of reasonably suspected to be suffering from any infectious or contagious disease;

(34) the supervision, regulation, conservation and protection from injury, contamination or trespass of sources and means of public water-supply and of appliances for the distribution of water whether within or without the limits of the cantonment;

(35) the manner in which connections with water-works may be constructed or maintained, and the agency which shall or may be employed for such construction and maintenance;

(36) the regulation of all matters and things relating to the supply and use of water including the collection and recovery of charges therefor and the prevention of evasion of the same;

(37) the maintenance of schools, and the furtherance of education generally;

(38) the regulation or prohibition of the cutting or destruction of trees or shrubs,or of the making of excavations, or of the removal of soil or quarrying, where such regulation or prohibition appears to the Board to be not prejudicial to the maintenance of ecological balance and to be necessary for the maintenance of water-supply, the preservation of the soil, the prevention of landscape or the formation of revines or torrents, or protection of land against erosion, or against the deposit thereon of sand, gravel or stones;

(39) the rendering necessary of licences for the use of premises within the cantonment as stables, kennels, sites or cowhouses or as accommodation for sheep, goats or fowls;

(40) the control of the use in the cantonment of mechanical whistles, sirens or trupets;

(41) the regulation of supply of copies of official document and prescribing the fee payable in respect thereof;

(42) the regulation of permission for granting licence for use of loud-speakers and prescribing the fee payable in respect thereof;

(43) the conservation and maintenance of ancient and historical monuments, archaeological sites and remains or place of public importance in the cantonment; and

(44) generally for the regulation of the administration of the cantonment under this Act.

349. Penalty for breach of bye-laws : (1) Any bye-law made by a Board under this Act may provide that a contravention thereof shall be punishable-

(a) with fine which may extend to five thousand rupees; or

(b) with fine which may extend to five thousand rupees and, in the case of a continuing contravention, with an additional fine which may extend to five hundred rupees for every day during which such contravention continues after conviction for the first such contravention; or

(c) with fine which may extend to one hundred fifty rupees for every day during which the contravention continues after the receipt of a notice from the Board or Chief Executive Officer by the person contravening the bye-law requiring such person to discontinue such contravention.

(2) Any such bye-law may also provide that a person contravening the same shall be required to remedy, so far as lies in his power, the damage or mischief, if any, caused by such contravention.

350. Supplemental provisions regarding bye-laws and regulations : (1) Any power to make bye-laws conterret by this act is conferred subject to the conditions of bye-laws being made after previous publication and of their not taking effect untilthey have been approved and confirmed by the Central Government and published in the Official Gazette.

(2) The Central Government in confirming a bye-law may make any change therein which appears to it to be necessary.

(3) The Central Government may, after previous publication of its intention, cancel any bye-law which it has confirmed, and thereupon the bye-law shall cease to have effect.

(4) Ecery bye-law and Regulation made under this Act and every order made under sub-section (3) shall be laid as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the bye-law and Regulation or order or both Houses agree that the bye-law and Regulation, or order should not be made, the bye-law and Regulation, or order shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that bye-law and Regulation or order.

351. Rules and bye-laws to be available for inspection and purchase : (1) A copy of all rules and bye-laws made under this Act shall be kept at the Office of the Board and shall, during office hours, be open free of charge to inspection by any inhabitant of the cantonment.

(2) Copies of all such rules and bye-laws shall be kept at the office of the Board and shall be sold to the public at cost price singly, or in collection at the option of the purchaser.

CHAPTER XVII
SUPPLEMENTAL PROVISIONS

352. Extension of certain provisions of the Act and rules to place beyond cantonments : The Central Government may, by notification in the Official Gazette, and subject to any conditions as to compensation or otherwise which thinks fit to impose, extend to any area beyond a cantonment and in the vicinity therof, without restriction or modification, any of the provisions of Chapters VIII to XV or of any rule of bye-law made under this Act for the cantonment which relates to the subject-matter of any of those Chapters, and every enactment, rule or bye-law so extended shall thereupon apply to that area as if the area were included in the cantonment.

353. Power to delegate fuctions to the President etc: (1) The Board may, by a resolution passed in thisbehalf, delegate to the President, Vice-President, Chief Executive Officer or Health Officer, subject to such conditions, if any, as may be specified in the resolution, all or any of its functions under

clause (b) of sub-section (5) of section 290, section 168 ,section 170, section 175, section 167, section 263 and section 264.

(2) The civil area committee may, by passing a similar resolution, delegate subject to such conditions, if any, as may be specified in such resolution, all or any of its functions to the Vice-President, Chief Executive Officer or Health Officer.

354. Registration : (1) Paragraphs 2 and 3 of section 54, and section 59, 107 and 123 of the Transfer of Property Act, 1882,(4 of 1882) with respect to transfer of property by registered instrument, shall, on and from the commencement of this Act, extend to every cantonment.

(2) The Registrar or Sub-Registrar of the district or sub-district formed for the purposes of the Registration Act, 1908., (16 of 1908), in which any cantonment is situated, shall, when any document relating to immovable property within the cantoment is registered, send information of the registration forthwith to the Chief Execcutive Officer and the Defence Estates Officer and such other authority as the Central Government may prescribe in this behalf.

355. Validity of notices and other documents : No notice, order, requistion, licence, permission in writing or other such document issued under this Act shall be invalid merely by reason of any defect of form.

356. Admissibility of document or entry as evidence : A copy of any receipt, application, plan, notice, order or other document or any entry in a register, in the possession of a Board, shall, if duly certified by legal keeper therof or other person suthorised by the Chief Executive Officer in this behalf, be admissible in evidence of the existence of the document or entry, and shall be admitted as evidence of the matters and transactions therein recorded in every case where, and to the same extent to which, the original documents or entry, would, if produced, have been admissible to prove such matters.

357. Evidence by officer or employee of the Board : No officer or employee of a Board shall, in any legal proceeding to which the Board is not party, be required to produce any register or document the contents of which can be proved under section 356 by a certified copy, or to appear as a witness to prove any matter or transaction recorded therin save by order of the court made for special cause.

358. Application of Act 4 of 1899 : For the purposes of the Government Buildings Act, 1899, cantonments and Boards shall be deemed to be municipalities and municipal authorities respectively and the references to the State Government in section 4 of that Act shall be construed as references to the Central Government.

359. Power to remove difficulties : (1) If any difficulty srises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette,make such provisions not inconsistent with the provisions of this Act, as appear to it to be necessary for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be after it is made, before each House of Parliament.

360. Repeals and savings : (1) The Cantonments Act, 1924 (2 of 1924) is hereby repealed.

(2) Notwithstandings the repeal of the Cantonments Act, 1924 (2 of 1924)

(a) any appointment, notification, order, scheme, rule, form, notice or bye-law made or issued, and any licence or permission granted under the Act shall, in so far as it is not inconsistent with the provisions of this Act continue in force and be deemed to have been made, issued or granted, under the provisions of this Act, unless and until it is superseded by any appontment, notification, order, scheme, rule, form, notice or bye-law made or issued or any licence or permission granted under the said provisions;

(b) all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the Board shall be deemed to have been incurred, entered into or engaged to be done by, with or for the Board constituted under this Act;

(c) all budget estimates, assessments, valuations, measurements or divisions made by the Board shall in so far as they are not inconsistent with the provisions of this Act, continue in fore and be deemed to have been made under the provisions of this Act, unless and untill they are superseded by any budget estimate, assessment, valuation, measurement or division made by the Board by the Board constituted under the said provisions;

(d) all properties, movable and immovable and all interests of whatsoever nature and kind therein, vested in the Board shall with all rights of whatsoever description, use, enjoyed or possessed by the said Board vest in the Board constituted under this Act;

(e) all rates, taxes, fees, rents and other sums of money due to the Board shall be deemed to be due to the Board constituted under this Act;

(f) all rates, taxes, fees, rents, fares and other charges shall, until and unless they are varied by the Board constituted under this Act, continue to be levied at the same rate at which they were being levied by the Board immediately before the commencement of this Act;

(g) all suits, prosecutions and other legal proceedings instituted or which might have been instituted by or against the Board may be continued or instituted by or against the Board constituted under this Act;

SCHEDULE 1
(See section 100)
NOTICE OF DEMAND

To

residing at

Taking notice that the Board demands from..the sum of..................... due from.............................on account of...........................(here describe the property, occupation, circumstance or thing in respect of which the sum is payable) leviable under ....for the period of ....Commencing on the................................ day of .... 20............. , and ending on the ....day of ....20....................and that if, within thirty days from the service of this notice, the said sum is not paid to the Board at..............................or sufficient cause for non-payment is not shown to the satisfaction of the ChiefExecutive Officer, warrant of distress/attachment* will be issued for the recovery of the same with costs.

Dated this............................day of ....20.......................

(Signed)

Chief Executive Officer,
Cantonment

[* Strike out whichever is not applicable.]

SCHEDULE II
(See section 101)
FORM OF WARRANT

(Here insert the name of the officer charged with the execution of warrant)

Whereas A.B. of ....has not paid, and has not shown satisfactory cause for the non-payment of, the sum of..................... due on account of.....................for the period of .... commencing on the day of ....20......................and ending with the ....day of .... 20.....................which sum is leviable under................................

And whereas thirty days have elapsed since the service on him of notice of demand for the same.

This is to command you to [distraint /attach#] subject to the provisions of the Cantonments Act, 2006, the [movable/immovable#] property of the said A.B. to the amount of the said sum of Rs.................; and forthwith to certify to me, together with this warrant, all particulars of the property [seized /attached #] by you thereunder.

Dated this ....day of ....20..............................

(Signed)

Chief Executive Officer,
Cantonment

* Here describe the liability.

Strike out whichever is not applicable.

SCHEDULE III

(See section 103)

FORM OF INVENTORY OF PROPERTY DISTRAINED AND NOTICE OF SALE

To

residing at...

Take notice that I have this day seized the property specified in the inventory annexed hereto, for the value of ....due for the liability * mentioned in the margin for the period commencing with .... day of ....20................................and ending with the......................day of ....20..................., together with Rs......................... due for service of notice of demand, and that, unless within seven days from the date of the service of this notice you pay to the Board the said amount, together with the costs of recovery, the said property will be sold by public auction.

Dated this..day of ....20................

(Signature of officer executing the warrant.)

INVENTORY

(Here state particulars of property seized)

* Here describe the liabilty.

SCHEDULE IV

(See section 314)

CASES IN WHICH POLICE MAY ARREST WITHOUT WARRANT

PART A

Section	Subject
174	Makingor selling of food, etc., or washing of clothes, by infected person
289 (1)(a)(i)	Drukenness, etc.,

PART B

Section	Subject
183 (1)	Remaining in, or re-entering, cantonment after notice of expulsioon for failur to attend hospital or dispensary.
259	Destroying, etc., name of street or number affixed to building
282	Feeding animal on filth, etc.
289(1)(a)(ii)	Using threatening or abusive words, etc
289(1)(a)(iii)	Indecent exposure of perso, etc.
289(1)(a)(iv)	Begging.
289(1)(a)(v)	Exposing deformity, etc.
289 (1)(a)(vii)	Gaming.
289(1)(a)(xii)	Destroying notice, etc.
289(1)(a)(xiii)	Displaces, damages, alters, pavements, gutter, stormwater drain.
289(1)(f)	Keeping common gaming-house,etc.
289(1)(g)	Beating drum, etc.
289(1)(h)	Singing, etc., so as to disturb public peace or order.
289(6)	Setting loose, or setting on, ferocious dog.

Section	Subject
296	Discharging fire-arms, etc., so as to cause danger.
300	Loitering or importuning for sexual immorality.
304(a)	Remaining in, or returning to, a cantonment after notice of expulsion.

SCHEDULE V

APPEALS FROM EXECUTIVE ORDERS

(See section 340)

S. No	Section	Executive Order	Appellate Authority	Time allowed for appeal
1	2	3	4	5
1.	2(zc)	Declaring 'inhabitant'	District Magistrate	Fifteen days
2	137	Notice to fill up well, tank,etc., or to drain off or remove water.	Principal Director	Thirty days from service of notice.
3	138	Notice requiring the owner to provide latrine, urinal cesspool dust-bin or other receptacle.	Board	Fifteen days from service of notice.
4	139	Notice requiring provision of sanitary facilities in market, school, theatre or other place of public resort.	Board	Fifteen days from service of notice.
5	142	Notice for removal of congested building	General Officer Commanding-in-chief, the Command	Thirty days from service of notice.
6	144	Notice requiring abuilding to be repaired or altered so as to remove sanitary defects.	Principal Director	Thirty days from service of notice.
7	147	Notice prohibiting owner or occupier to use a building or part of a building for human habitation	Principal Director	Twenty days from service of notice.
8	183	Order directing a person to remove from the Cantonment and prohibiting him from re-entering it without permission	General Officer Commanding-in-Chief, the Command	Thirty days from service of notice.
9	190	Notice requiring maintenance or closing of private source of public drinking water supply	Board	Fifteen days from service of notice.
10	192	Notice requiring the owner, lessee or occupier of a building or land to obtain water from a source of public water supply.	Board	Fifteen days from service of notice.
11	195	Notice for cutting off the connection between any source of public water supply and any building or land to which water is supplied.	Board	Fifteen days from service of notice.

S. No	Section	Executive Order	Appellate Authority	Time allowed for appeal
1	2	3	4	5
12	238	(a) Refusal to sanction the erection or re-erection of a building in a civil area.	Principal Director	Thirty days from service of Communication
		(b) Refusal to sanction the erection or re-erection of a building in a Cantonment (Other than a civil area).	General Officer Commanding-in-Chief, the Command	Thirty days from service of Communication
13	239	Order of stoppage of building or works in certain cases.	Board	Thirty days from service of Communication
14	248	(a) Notice to stop erection or re-erection of, or to alter or demolish a building in a civil area	Principal Director	Thirty days from service of Communication
		(b) Notice to stop erection or re-erection of, or to alter or demolish, a building in a Cantonment (Other than a civil area)	General Officer Commanding-in-Chief, the Command	Thirty days from service of Communication
15	252	Notice requiring the owner or the occupier to alter or remove any projection or encroachment.	Board	Thirty days from service of notice.
16	253	Notice to pull down or otherwise deal with a building newly erected or re-built without permission over a sewer, drain, culvert water course or water-pipe.	Board	Thirty days from service of notice.
17	273	Notice prohibiting or restricting the use of a slauthter-house.	Board	Tweny one days from service of notice.
18	297	Notice to remove, repair, protect, or enclose a building, wall or anything affixed thereto, or well, tank, reservoir, pool, depression or excavation	Board	Thirty days from service of notice.
19	302	Notice directing disorderly person to remove from cantonment and prohibiting him from re-entering it without permission.	District Magistrate	Thirty days from service of notice.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ರಿಚಾರ್ಡ್ ಲೋಬೋ

ಪಿ.ಆರ್. 10

ಜಂಟಿ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ,

ಸರ್ಕಾರದ ಜಂಟಿ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.